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## NOTES AND COMMENTS

WE venture to reproduce from the *Mississippi Valley Historical Review* for March, 1926, the following paragraphs relating to the writing of history—paragraphs which describe our own experience so nearly and so pertinently that we cannot refrain from quoting them:

Like the ascent from fabled Avernus, the attainment of accuracy in historical writing is a thing difficult and painful enough. Our graduate faculties of history are aware of this difficulty, of course, and do not omit to warn their neophytes concerning it. That the warning not seldom goes unheeded is sufficiently evidenced by the articles which come to the board of editors of this *Review*. That citations to printed sources should be given correctly, and direct quotations should be copied literally are commonplace axioms familiar to every trained historical worker. Yet so commonly are they violated in practice that it is a necessary standing rule of the editorial office to verify for itself every citation of authority and every direct quotation given, unless (as frequently happens) it is inaccessible to the editors. One's faith in the accuracy of ordinary human testimony is considerably staggered by the reflection that the highly-trained output of our graduate schools of history cannot be depended upon to copy correctly a well-known scriptural text, or the title of a book from which they have drawn important information. We have even encountered the case of an author unable to cite correctly the title of one of his own books, a volume used as a text-book in at least several universities and colleges.

If such be the case with professional historical workers, what degree of accuracy may the layman be reasonably expected to exhibit? An illustration comes to hand in the latest biography of Abraham Lincoln, although we do not undertake to say that its able author, Reverend William E. Barton, would accept the classification to which we tentatively assign him. His investigations in particular in the field of Lincoln's ancestry have been widely heralded, one somewhat notable achievement being the discovery of the President's "lost grandmother," Lucy Hanks. In the present volume, Lucy's "sole literary monument," a formal certificate in connection with the application for the issuance of her marriage license, is presented. The biographer is not unaware of the shortcomings of earlier writers in his particular field of investigation, and he devotes much space to their recital and correction. In addition to printing Lucy Hanks' marriage application, he supplies a photographic illustration of it. Comparison of the illustration with the printed copy discloses that in the space of two sentences and some forty words at least half a dozen errors have been made. Of the four proper names in the document, three are misspelled and three are improperly capitalized; while at least two words found in the manuscript are omitted from the copy.

Nor does the present commentator afford any exception to the common habit of errancy here commented upon; everything we write is critically proof-read twice (and commonly oftener) before being committed to type. The number of errors that manage to elude such inspection is best known, perhaps, to our readers. If the comment we make shall serve to impress upon some younger reader the necessity of eternal vigilance in the conduct of his historical work, it will have accomplished its purpose.

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Difficulty has long been experienced in obtaining information about newly published books in French Canada, owing to the somewhat unorganized condition of the French-Canadian book trade. Books in the province of Quebec are frequently published in out-of-the-way places, and are little advertised or reviewed. It has been necessary for the editors of this REVIEW on more than one occasion to have recourse to the good offices of a private benefactor in Quebec, who had the gift of discovering new French-Canadian publications in a neighbouring cigar-shop. Several years ago there was published in Montreal the first number of the first volume of a periodical which promised to remedy this state of affairs. This was the *Bulletin bibliographique*, a quarterly

journal edited by M. Camille Bertrand, and bearing date April, 1920. With this first number, however, the periodical ceased publication, and it is only now, after the lapse of five years, that the second number of the first volume has appeared (March, 1926). It is hoped by the editor that the *Bulletin bibliographique* will now continue to be published regularly four times a year, and we venture to echo this hope. Certainly the subscription, which is sixty cents a year and fifteen cents a number, is within the reach of all those who are interested in the literature of French Canada.

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In the present number of the REVIEW Professor C. N. Cochran, the newly appointed secretary-treasurer of the Canadian Historical Association, gives an account of the meeting of the Association at Ottawa on May 17-18. This is followed by an interesting paper on *Canada and Constitutional Development in New South Wales*, by Mr. William Smith, of the Public Archives of Canada; and by a discussion, embodying original research, of *The First Responsible Party Government in British North America*, by Professor W. Ross Livingston, of the department of history in the University of Iowa. Under the heading of "Notes and Documents", Mr. A. H. de Trémaudan, whose contributions to the history of Western Canada are well known to the readers of this REVIEW, presents in translation a valuable document relating to the North West Rebellion of 1869-70.

## THE CANADIAN HISTORICAL ASSOCIATION

THE annual meeting of the Canadian Historical Association took place at Ottawa on Monday and Tuesday, May 17 and 18. Through the courtesy of Dr. Doughty, the general sessions were held in the new wing of the Dominion Archives. Members of the Association, who had not recently visited the capital, had an opportunity of inspecting the beautiful addition to the Archives building, with its admirable facilities for preserving and exhibiting the manuscript and other treasures of the Public Archives of Canada. During the meeting, special exhibits of historical material, books, and pictures were on view. There was a gratifying attendance of members from all parts of the Dominion, the Maritime provinces being especially well represented.

The general sessions began on Monday afternoon. The president, the Hon. Thomas Chapais, opened the meeting by a brief address in French and English. The chairman of the management committee then read his report on the activities of the past year, and the secretary-treasurer presented the financial statement. These reports indicated that the affairs of the Association were in a healthy condition.

The academic side of the programme began with an address by Dr. A. G. Doughty, describing a new device—still nameless—for the reproduction of documents. This invention, which is an improvement on the photostat, makes it possible to produce exact copies of historical texts in any quantity, and the copies may be so reduced in size that a whole number of *Punch* is contained on a single page of paper. The text may then be read by means of a magnifying glass, or may again be enlarged to any size desired. Dr. Doughty suggested several ways in which this important device might be used to facilitate research. The next speaker, Mr. H. P. Hill of Ottawa, gave a most lively and entertaining account of the discussions which preceded the selection of Bytown as the national capital, emphasizing the prescience of Lord Dalhousie, whose keen eye had early detected the advantages of the site, and quoting from the editorial fulminations of the *Bytown Gazette* to illustrate the spirit in which the controversy was sustained. Mr. S. B. Watson of Toronto



then outlined the considerations which must guide the action of publishers in selecting historical pictures for educational purposes in schools. A paper on Sir Howard Douglas, by Professor Leo Harvey of the University of New Brunswick, described the significance of Douglas as one of the best of the early military governors. Mr. C. Marius Barbeau of Ottawa, taking as his title, "Pseudo-history among the Indians", discussed the methods by which tribal traditions could be made to yield significant historical material. "The First St. Lawrence Deepening Scheme" was the theme of a valuable paper on the development of that waterway, delivered by Mr. George W. Brown of Toronto. Major Gustave Lanctot then gave a very clear and succinct account of the organization of the courts under the *ancien régime*. The question of celebrating the Wolfe Bicentenary was again raised by Dr. J. C. Webster, and it was decided that the Association should continue to support the project. Col. William Wood concluded the programme by discussing the possibility of a pictorial treatment of history for educational purposes.

On Monday evening, the presidential address was delivered by the Hon. Thomas Chapais in the hall of the Victoria Memorial Museum. Senator Chapais spoke in French, urging with great force the necessity of absolute veracity and exactitude on the part of historians, without which a sound reconstruction of the past is impossible. Following his address, a resolution was proposed by the Hon. Mr. Justice Mignault and seconded by Dr. A. G. Doughty, by which the thanks of the Association were conveyed to Senator Chapais for his services as president.

The past year marks an important stage in the life of the Association. By an arrangement made with the board of editors of the CANADIAN HISTORICAL REVIEW, members now receive copies of the REVIEW as they are issued. To make this possible, the management committee had authorized an increase in the annual membership fee from \$2 to \$3, and this action of the committee was confirmed by a unanimous vote at the general business meeting. Negotiations are now being concluded whereby French-Canadian members may receive the *Bulletin des Recherches Historiques* as an alternative to the REVIEW, or any member, upon payment of an additional dollar, may receive both journals. Members will thus have an opportunity of keeping in touch with the latest developments of research in either language.

The David Thompson Memorial Fund, which at the end of the year 1924-5 stood at \$525.00, has now reached the sum of

approximately \$800.00. The thanks of the Association are due to the generosity of those who have contributed to the support of so worthy a project. A design for a grave-stone, submitted by the committee in charge, was approved by the Association. This design consists of a fluted column surmounted by a sextant, which with the base will stand about nine feet in height. Thompson's remains lie in an unmarked grave in Mount Royal cemetery, Montreal, and money has still to be raised sufficient to ensure perpetual care of the lot. It is hoped that this may be done in time to permit of the unveiling of the monument during the autumn of the present year.

Herewith is appended a list of the officers elected for the coming year. It will be noted that Professor G. M. Wrong of Toronto succeeds Senator Chapais in the presidency. M. Gustave Lanctot of Ottawa assumes the duties of French secretary. The number of councillors has been increased from six to nine, in order that there may be a more adequate representation by provinces,—

*President*, George M. Wrong, Toronto

*Vice-president*, Arthur G. Doughty, Ottawa

*Chairman of Management Committee*, Lawrence J. Burpee, Ottawa

*English Secretary and Treasurer*, Charles N. Cochrane, Toronto

*French Secretary*, Gustave Lanctot, Ottawa

*Auditor*, Col. J. F. Cunningham, Ottawa

*Council* (in addition to the above-named officers): Archibald MacMechan, Halifax; Leo Harvey, Fredericton; Pierre Georges Roy, Quebec; Ægidius Fauteux, Montreal; D. A. McArthur, Kingston; Chester Martin, Winnipeg; F. H. Underhill, Saskatoon; A. L. Burt, Edmonton; F. W. Howay, New Westminster.

*Standing Committee on Historic Landmarks*: James Coyne (chairman), Pemberton Smith, Mrs. J. B. Simpson, C. M. Barbeau, Harlan I. Smith, A. S. Morton.

CHARLES N. COCHRANE

## CANADA AND CONSTITUTIONAL DEVELOPMENT IN NEW SOUTH WALES

THAT Canada's success in her struggle for responsible government opened the way, by both inspiration and guidance, to the attainment of this boon by the greater of the sister colonies is a commonplace in colonial history. All these colonies accepted as an evangel Durham's daring propositions that the prime requisite of the officers administering the affairs of government was that they must be men enjoying the confidence of the representatives of the people, and that, if the governor fell out with the legislature on any matter not strictly imperial, he must fight his battles without help from the Home government. Lord Durham's Report, in Wakefield's exultant words, "has now gone the round, from Canada, through the West Indies and South Africa, to the Australias, and has everywhere been received with acclamations."

In no colony, we may be permitted to think, was it received with the same enthusiasm as in Australia. The whole report was published serially in several of the newspapers of New South Wales, and the governor took occasion to recommend it to the attention of the members of his council. At this time there were no representative institutions in Australia. Within fifteen years, a fully responsible government was conceded to the colony.

There are several reasons why the constitutional development of Australia should have an unusual interest for Canadians. In the first place, the influence of Canada is discernible in every step of their advance towards self-government. Then there were the special obstacles arising from the state of society in Australia, which had to be neutralized before the object aimed at could be attained. A standing difficulty in the way of colonial self-government lay in the fear of the Home government that, in withdrawing from participation in the domestic affairs of the colonies, it was giving rein to the impulse towards independence, which it was convinced lurked somewhere in every colonial mind; and any peculiar circumstances in the social composition of a colony were seized upon as reasons for putting off the alarming concession. In Canada there was the racial problem. Until an acceptable

*modus vivendi* could be reached, by which the members of two highly civilized European peoples, differing from one another in language, religion, and laws, could be fused into one national society, it was held to be impossible to leave the management of colonial affairs unreservedly in the hands of the colonists.

In Australia the problem was of a different character. For the first half-century of its existence, life in Australia was lived under the shadow of the prison wall. Its evolution, in the words of the historian upon whom we shall mostly rely in this article, was "from a mere gaolyard to one of the finest and most important colonies under the British Crown." Until a few months ago, the story of the constitutional development of Australia had to be pieced out from several sources, only more or less intimately related to the subject. It was not so much the labour of the task, as the certainty that the result would be unsatisfactory, that deterred the student from making the attempt. Recently, however, a volume has been published which gives us the information for which we have been looking. Dr. E. Sweetman of Melbourne University has issued a work entitled *Australian Constitutional Development* (Melbourne, 1925) containing not only a clear and interesting account of its subject, but also a number of the more important state and other papers, upon which he has founded his work. Students of colonial history will be greatly indebted to Dr. Sweetman for his satisfactory contribution to the literature of their branch of study.

Australia, like Upper Canada, had its origin as a settlement in the American Revolution. Indeed, the first proposition respecting it laid before the British government was that it should be made a home for the United Empire Loyalists. But the North American provinces offered advantages, as compared with that distant land, and the Revolution had created another need, which had to be satisfied. It had been the practice of the British government to send convicts, who had been sentenced to transportation, to Virginia and other of the southern colonies, where labour was much in demand. With the progress of the War of the Revolution this outlet for British criminals was blocked, and another penal colony had to be found. New South Wales was the place decided upon.

The first ship-load of convicts, seven hundred and fifty in number, were landed at Sydney on January 24, 1788. Of the seven hundred and fifty, two hundred were women. Other ship-loads followed, but the Home government never quite relinquished

the idea that the great territory, which had been so recently added to the Crown, had a better destiny than to remain a mere place of confinement for criminals. The first governor reported on the capabilities of the section of country within the range of his opportunities, and asked that free emigrants should be encouraged to go out and settle. In 1793, five years after the first convicts were landed, the first emigrants arrived at Sydney. They numbered only thirteen—men, women, and children—but they were soon followed by others, and in a few years these free settlers had an important part in the life of the small community. According to the statistical returns, the total population of New South Wales was, in 1801, rather more than 5,500. How many of these were convicts is not stated, but these undoubtedly greatly outnumbered the free settlers. In 1819, the population had increased to 20,368, of whom 11,973 were free. These free people fell into three groups—the free settlers, the emancipists (the time-expired convicts), and the children of the convicts and emancipists. The mere statement suggests the manner in which society divided itself. The social and political groups were the free and the freed.

As was inevitable with the example of Canada and other colonies before their eyes, there was an early demand among the settlers for the ordinary rights of Englishmen—a representative form of government, and trial by jury. In the beginning of the settlement, all causes, criminal and civil, were determined by a judge-advocate with the assistance of six assessors, who were all military or naval officers, appointed by the governor. In 1814, courts of civil jurisdiction were established, which were presided over by a professional judge and two magistrates. There was also an inferior court for the hearing of cases to the value of £50 and under. In these courts sat the judge-advocate and two inhabitants, appointed by the governor.

The appeal for institutions more in accordance with the English character of the settlement came from the emancipists, and it was opposed by the free settlers. The number of those having the taint of the prison upon them either directly or by inheritance was much greater than those free from the taint, and the latter had no taste for leaving the decision of cases involving their lives and property to a jury, in which their tainted fellow-citizens would form a majority. For the same reason they objected to a representative system, in which former criminals or their descendants might conceivably have control. With the rise

of political agitation, the parties took new names. The free settlers and their descendants became known as Exclusionists, while the others were called Emancipists.

The Emancipists were very ably led. Their leader, William Charles Wentworth, was the son of a woman who had been a convict, though his father never was. Wentworth was a lawyer, a man of large views and much eloquence. He carried his party and the country through all its stages of political development, and lived to see it fairly embarked on the great experiment of responsible government. Associated with him was Dr. Bland, who, for having killed a man in a duel, was sent to Australia as a convict. He was soon pardoned, however, and took the position in society to which his great abilities entitled him. The other leader in the reform movement was Sir John Jamison, who, after a distinguished career in the Navy, settled in New South Wales. For his services in checking a plague which broke out in the Navy, he was knighted by the Prince Regent.

The first organized effort for a constitution was made in 1819. Wentworth published a book, advocating trial by jury and a constitution similar to that established in Canada by the Constitutional Act of 1791. There is a clause in that Act which could not be accepted as it stood. Section XXIII debars all persons attainted of felony from either voting, or being elected to the Assembly. In this form it would have left disfranchised a considerable proportion of the population. But there were many among the ex-criminals to whom Wentworth would not give the right to vote. He proposed, then, to exclude all those who had been convicted of "crimes of a criminal nature," a description which, if unscientific, was perfectly comprehensible. In the same year a great petition signed by over twelve hundred persons was addressed to the Prince Regent, praying for a removal of their grievances. In this nothing was said about a representative system. The demand was confined to the removal of the military courts and their substitution by trial by jury. The Exclusionists, who were wholly opposed to both representative assemblies and trial by jury, got the ear of the Colonial Office, and succeeded in having the appeals of the Emancipists rejected.

The Home government were so far convinced as to the necessity for some concession to the free people of the colony, as to appoint a commissioner to visit New South Wales, and report as to the conditions of the colony. Lord Bathurst, in his instructions to the commissioner, gave him the ominous injunction to bear in



mind that the settlements of New South Wales and Van Diemen's Land "must chiefly be considered as receptacles for offenders. So long as they continue destined by the Legislature of this country for these purposes, their growth as colonies must be of secondary consideration." The commissioner, who placed himself in the hands of the leaders of the Exclusionists and seems to have fully adopted their views, reported that, in his opinion, the conditions in the colony would not warrant the complete introduction of the jury system. He thought, however, that legislation might be obtained empowering the Crown to extend this right to the colony at the proper time, but to confine it at first to civil causes. This opinion naturally carried with it a disapproval of a system of representative assemblies.

The attention drawn to New South Wales by the book issued in London, the petition from the inhabitants, and the report of the commissioner, discouraging though it was, had one beneficial result. They gave a new turn to the ideas of the government respecting the colony. Lord Bathurst in 1819 admonished the commissioner that he must approach this enquiry into the conditions of the settlement with his mind charged with the fact that it was primarily as a penal settlement that the country must be regarded. Four years later, the order of precedence changed, New South Wales was to be dealt with thereafter as a British colony, and not merely as a penal settlement. Such was the announcement of Wilmot Horton, under-secretary of state for the colonies, in introducing a bill in the House of Commons in 1823 to provide for an improved system for the administration of justice and for the more effectual government of the colony.

Parliament, in launching the newly recognized colony on its constitutional career, had no idea of allowing it to skip any of the grades considered necessary to ordered progress. In Canada, an important, if not numerous, section of the population pleaded in the early days of its civil government for an assembly representing the people of the province. Parliament was of opinion that "it is inexpedient at present to call an assembly". Similarly in New South Wales. The Reform leader, pointing to the example of Canada, argued that the first constitutional Act of New South Wales should be based on the Canadian Act of 1791. Not so thought parliament. In almost the exact words of the Quebec Act of 1774, the preamble of the New South Wales Act of 1823 contained the words: "Whereas it is not expedient at present to call a Legislative Assembly."



The Act provided the governor with an advisory Legislative Council of not more than seven or less than five members. But the governor's arbitrary powers were only slightly abridged. The initiation of all measures lay with him, and he could give them the force of law, if he was supported by a single member. Dissenting members had to content themselves with registering their objections in the council book. There was, however, one effective check on the governor's powers as supreme legislator. Assurances were taken that no measure proposed by him should be repugnant to the laws of England. To secure this, the governor could not introduce any measure into the Council, until it bore the certificate of the chief justice of the Supreme Court that it was free from objection on this score.

The arrangements for the administration of justice showed a very cautious advance over the former system. Trial by jury was admitted, under certain conditions, but all criminal charges were still to be tried by a judge-advocate with the assistance of a group of military or naval officers. Sir James Mackintosh, the doughty champion of more liberal ideas in the government of the colonies, pleaded for juries in the trial of criminal cases, but unsuccessfully. In order, however, not to discourage entirely the aspirations of the Reformers, provision was made for extending the operation of the jury system, when the time was opportune.

Two years later (1825) an addition was made to the constitutional machinery, by the establishment of an Executive Council. This Council consisted of four members of the Legislative Council. The governor was required to consult with his Council in all matters and not to exercise his powers without their concurrence. There were two exceptions to this order, and they gave room for much freedom of action on the part of the governor. He need not wait to consult them in matters of great urgency, though he was to get their concurrence as soon thereafter as possible; and he was free to act in cases not sufficiently important to require the assistance of the Council. Where the governor acted in disregard of the wishes of the majority of the Council, he was required to give a full explanation to the colonial secretary, but as a year would elapse before the views of the latter could be communicated to the governor, this requirement did not seriously hamper him if he were disposed to take an arbitrary course.

The agitation for some form of representative government which was begun at an earlier date was sustained with increasing vigour. The year 1828 marked an epoch in the history of the

colony. In that year the colony had so far advanced economically that it was required to assume all the expenses of civil government, and this occasion afforded the opportunity for a special appeal. The Reformers in their memorial intimated that, in taking on themselves the maintenance of their government, they had passed into political manhood. Their population was 55,000, of whom 35,000 were free men, and it seemed to them only fitting that the regulation of their finances should be in the hands of their chosen representatives.

The Home government could not, however, be persuaded to move so fast. It still held that circumstances did not warrant a representative form of government. It confined itself to increasing the number in the nominated Legislative Council to between twelve and fifteen. The bill was temporary, leading the way to the establishment of institutions similar to those enjoyed at home. Limitations on the governor's powers of an interesting character were enacted in this bill. He could no longer pass measures without the consent of the majority of the Council, and he was required to make a public announcement, through the press or by some other sufficient means, of every measure he intended to introduce into the council. This announcement was to be made eight days before the measure was introduced. The discussion which would follow the publication of measures would enable the governor to gain an accurate notion of the opinion of the public respecting them. The arrangements here outlined remained in operation until 1842.

Another petition for rights which were enjoyed by much less important colonies, such as several in the West Indies, was presented to the House of Commons. The time seemed auspicious. The Reform Bill had passed the House by a large majority just three months before, and it seemed unlikely that the wave of liberality which had just swept the House had entirely expended its force. But the House was easily persuaded that there were fatal objections to granting representative government in Australia. Lord Howick, the son of the prime minister, and himself under-secretary for the colonies, made answer on behalf of the government. He pointed out that the measure desired by the petitioners would give the freed man or emancipist an equality of civil rights with the free settler. "A startling proposition!" It would give the emancipist a paramount influence in the colony. To give point to his statement, he instanced the case of a man who had been transported in 1811 for stealing a watch. After serving his time this man had gone into business, and had risen

to be the wealthiest contractor in New South Wales. Lord Howick appealed to the House to say whether it would consent to hand over the welfare, property, and happiness of the people of the colony to the keeping of such a man and his like. With regard to the plea for trial by jury, Lord Howick stated that, on the advice of the governor, it had been decided to grant this boon. This was so much gained.

In 1833, in addition to another petition to the Home government for a representative assembly, a memorial was addressed to the governor raising a question which long agitated the legislature of Lower Canada. They prayed that £1,000 a year be appropriated for the payment of a parliamentary agent to be chosen every three years by a certain class of freeholders of the colony. A parliamentary agent was not a new feature in Australian politics. Sir James Mackintosh, who had looked after the interests of the Lower Canadian Assembly, had acted in the same capacity for New South Wales. He was succeeded by Henry Lytton Bulwer. But these statesmen had given their services to New South Wales gratuitously, the incidental expenses being defrayed by subscription in New South Wales.

The colonial secretary, to whom the memorial was referred by the governor, looked with disfavour upon the request for a sum of money to remunerate a member of parliament for his services as agent for a colony. He made objection on several grounds; among others that it would be alien to the spirit of the constitution.

The activities of the Reform or Emancipist party brought into being an organization among the Exclusionists, who set out to counteract the efforts of the former. On one point both parties were agreed—that the existing machinery of government was not working well. The remedy urged by the Emancipists was the representation of the people in the government. The Exclusionists were of opinion that the enlargement of the nominated Council to represent more fully the variety of colonial interests was all that was wanted. The Emancipists had the advantage of numbers, the Exclusionists of wealth and influence with the Home government. The Emancipists had until 1837 the energetic advocacy in parliament of Henry Lytton Bulwer. Having been made ambassador to Constantinople, Bulwer handed over his trust to a man well known in Canada, Charles Buller, who was thereupon appointed agent for New South Wales. Another name appears which is equally associated with Canada at that time and later—that of Edward Gibbon Wakefield. Buller and Wakefield both

took part in a parliamentary enquiry held in 1837 into the system of the transportation of convicts to distant parts. Buller was a member of the committee, and Wakefield acted as a sort of unofficial adviser of the chairman. Wakefield was actively interested in the application in South Australia of his system of emigration. His desire was to have transportation altogether abolished. The motive was not all humanitarian. Transportation was still carried on to New South Wales, while it was not to South Australia. It was held that the volume of cheap labour which was provided to New South Wales by the convicts gave that colony an advantage over the sister colony, and Wakefield sought to remove the advantage by abolishing transportation.

The question of continuing or abolishing the transportation of convicts to New South Wales was one of the points of disagreement between the two political parties. The Exclusionists regarded the presence of convicts from Great Britain as an unmitigated evil, and desired to have the system stopped, in order that free emigrants might not be repelled. The Emancipists, moved by the economic argument, were not willing to have this resource in a scanty labour field cut off.

The battle of the Exclusionists against a representative assembly was assisted by the troubles in Canada. One of the leaders of the Emancipist party, writing to Buller, told him that the disputes between the Mother Country and the legislatures of Canada and the West Indies had raised the greatest prejudice against the establishment of representative government in any of the colonies.

The Home government were impressed by the continuous withholding of supplies by the Lower Canada Assembly, and feared that if an Australian Assembly got control of the colonial revenues similar embarrassments might be encountered in that colony.

It was determined, however, that something should be done to meet the wishes of the colonists, while safeguarding the interests of both the colony and the Empire. The colonial secretary submitted to Buller a scheme with some unique features. There should be a Council, half of which should be nominated by the Crown, and half elected representatives of the people. Municipal bodies should be established throughout the colony. The governor and the Council should make laws, but before putting them into operation should submit them to the several municipal bodies for examination. The municipal bodies were not to be given power to amend or reject a law, but if the majority of them disapproved

of it, its operation should be held in abeyance until it had the sanction of the Home government. Buller disapproved entirely of invoking the participation of the municipal councils in general legislation. He cited the failure of a similar system in ancient France, where the States had the right of remonstrance, and made the ingenious suggestion that the consequence of reference to municipal bodies throughout the colony would be to give an ascendancy to the Sydney municipal council akin to that arrogated to itself by the *parlement* of Paris.

The government, having intimated to Buller that any plan agreed upon by representatives of the two Australian parties would be acceptable to them, Buller sought out the leader of the Exclusionists, James Macarthur, an influential and highly-respected resident of New South Wales, and between them a constitution was drawn up which was accepted, with certain alterations by the government. The leading features of the bill were: the division of New South Wales into six municipal districts; the granting to each of these districts of a court composed of elected councillors, on the basis of one councillor for each unit of between 500 and 2,000 inhabitants; the colonial legislature to consist of a governor and an assembly; and the assembly to be composed of twelve official nominees and about twice as many elected by the municipal council of each district.

It will be seen that there was to be no direct election of representatives in the Legislative Assembly by the people. Twelve members would be chosen by the governor, and about twenty-four by the several municipal councils. To those in Canada, who credited Buller with an unfaltering Liberalism, it will be something of a shock to learn that the proposal to leave the election of the popular representatives in the Assembly to the municipal bodies was Buller's own. The Exclusionist leader, Macarthur, who had no reason to disclaim responsibility for a proposal so much in accordance with his principles, declared that, as a matter of fact, it had originated with Buller. It was surmised that Buller had inherited the idea from his predecessor in the parliamentary representation of New South Wales, Henry Bulwer.

But whether it was to be attributed by the colony to the representative of the Emancipists or not, the colony would have none of it. The first influential voice raised against the proposal was that of another gentleman whom we have met in Canada. It will be remembered that when Lord Gosford came to Canada as governor general in 1835, he was accompanied by two gentle-

men, Sir Charles Grey and Sir George Gipps, who with Gosford composed a commission to enquire into conditions in Lower Canada. The enquiry conducted by these commissioners was a futile affair, the members being in constant disputes with one another, and the commission was recalled with some disgust on the part of the government. Sir George Gipps was appointed governor in New South Wales in 1838 and retained that office until 1846. Gipps was not long enough in Canada, nor were his duties of a nature to enable Canadians to estimate his quality. In New South Wales he revealed himself as a man of courage, humanity, and wisdom. Until the reins fell into his hands, the treatment of the native peoples was a dark blot on the good name of the colony. Nor was the guilt confined to the ex-convicts. Free immigrants shared with the freedman the responsibility for the sad state of affairs. Laws stood on the statute books protecting the natives, but as no serious attempts were made by former governors to enforce them, they were entirely disregarded. One man on trial for the murder of a native during Gipps's administration pleaded that he did not know that it was wrong to kill a savage. Gipps put him and the whole community right on this point. This man and five others having been convicted of a particularly atrocious massacre of some thirty defenceless natives, Gipps, to the scandal of the community, ordered them all to be hanged. Equally vigorous and fearless was his dealing with other subjects which came before him.

On the mode of electing the popular section of the Council, Gipps was in sharp disagreement with the Buller-Macarthur proposals. He wrote to Glenelg recommending that the elected members should be chosen by popular vote, and that emancipists should have the franchise, but should not be qualified for seats in the Council.

Buller's absence in Canada threw back the further consideration of the subject until his return to England in 1839. A measure of vital importance to the colony was taken during Buller's absence. The transportation committee, in its report of 1838, recommended that transportation should cease, and the government accepted this recommendation, and orders were issued that the system should be brought to an end on August 1, 1840.

The abolition of the gaolyard opened the way for fair prospects in the colony. Buller let his Emancipist friends, who objected to the cessation of transportation, know that it was quite useless for them to make objections, and that there would never be a



truly representative system in the colony, so long as it was a depository for convicts. In the colony itself the effect was magical. The division of the population into Exclusionists and Emancipists vanished. The leaders of the Exclusionists at once joined with the Emancipists in their demand for a measure of self-government, and looked forward hopefully to the not distant day when they would reach the political level of the most advanced colonies. The very name Emancipist began to sink out of sight. With the rapid increase of the free settlers, whom the ex-convicts and their relatives had been accustomed to stigmatize as interlopers, a party badge proclaiming a tainted past became less desirable, and the members of the party were glad to be merged quietly into the general community.

One of the leaders of the old free party then in England urged that New South Wales should have a constitution based upon the Canadian Constitutional Act of 1791. No objection could be made on the score of population. Sydney alone contained more immigrants and persons born in the colony than the whole population of Canada in 1791.

The colonists themselves preferred to try the experiment of a single chamber, composed of nominees of the Crown and popularly elected representatives, and the old parties joined in a memorial to that effect to the House of Commons. It is interesting to note here again the influence of Canada. Among the principal reasons for choosing this style of legislature was, as was stated by one of the leaders of reform, the desire to escape the constant strife that characterized the relations between the Upper and Lower House in the Canadian provinces.

A bill to that effect passed the House of Commons in 1842 without opposition of any kind. The Legislative Council was to consist of thirty-six members, twelve of whom were to be nominated by the Crown, the remaining two-thirds being elected by qualified voters. A peculiar device was introduced to supply in some measure the want of a second chamber. The governor was given the power of proposing amendments to any bill which passed the Council, but the rejection of the governor's amendments was not, of itself, to entail the loss of the bill. The revenue was to be subject to an appropriation bill or budget, passed by the Council and assented to by the governor; but the amount of £81,600 was reserved for a civil list and for public worship. The Crown also retained in its hands the administration of the Crown



lands, the proceeds from which were to be devoted in equal portions to the public service and to the promotion of immigration.

With the meeting of the legislature on August 1, 1843, the Canadian student is on familiar ground. He has passed beyond the era in which the difference of social conditions makes him go warily, lest he trip. His experience with the Canadian legislatures of ten years earlier enables him to anticipate what will take place. Within a month after the opening of the legislature, the House is engaged in criticism of the estimates prepared by the governor. It was objected by the elected members that the nominated members had no right to vote on questions involving the expenditure of money, in that taxes were a voluntary gift from the people, and their representatives alone had the right to vote on the disposition of the proceeds; furthermore, they protested against the civil list fixed by the Imperial legislature.

From this step to the formation of grievance committees the descent was easy. The grievances were divided into two classes: land grievances and general grievances. The land grievances had their origin in the act of the Imperial parliament which reserved to the Imperial government the administration of the waste lands. The local legislature denounced the regulations imposed by the Home government as unsuitable, and demanded that the control of the waste lands should be transferred to the governor and Legislative Council. The general grievances included the civil list, responsible government, and several other matters.

In the argument against the Imperial civil list, our old acquaintance, the Declaratory Act of 18 George III, was pressed into service. In terms, the committee admitted, this Act was confined to the North American colonies, but they insisted that, upon well-known principles of law, the Act was applicable to all colonies *ejusdem generis* and therefore in force in New South Wales. Responsible government was demanded in the name of Lord Durham. The committee asserted that a system of government with such abuses as they described could not work well, and that to think otherwise was to suppose, in the language of Durham, "that Englishmen renounce every political opinion and feeling when they entered a colony, or that the spirit of Anglo-Saxon freedom is utterly changed and weakened amongst those who are transplanted across the Atlantic."

The Council passed a bill to reduce the salary of future governors by £1,000, which was disallowed. Finally, to make the Lower Canadian parallel complete, a resolution was offered by

the leader of the representative section to refuse a supply bill until the Council were given control over the territorial and casual revenues. The resolution was defeated, or rather postponed, as it was intended to deal with the matter when the land grievance committee had presented its report.

The desire of the Legislative Council to have a parliamentary agent in London and the action of the Council in pursuance thereof ran precisely the same course as in the case of Lower Canada. The Council adopted a resolution recommending the appropriation of £500 as an acknowledgment of the services of the gentleman they had appointed. The governor sent the resolution to the colonial secretary, who replied as a predecessor had done to a request from Lower Canada for a similar representative. Lord Stanley made several objections to the resolution, the first of which was that money could not be appropriated upon a mere resolution of the Council. It required an Act of the Legislature, completed by the governor's assent. He then directed the governor not to assent to any such resolution for several reasons. The Council, however, persisted in their intention, and, after an effort which lasted five years in which compromises were made on both sides, the Council secured the appointment of the gentleman they had first chosen.

Coincident with the continuous agitation for political rights, there ran a campaign for the dismemberment of the colony. At this time New South Wales comprised, in addition to its present territory, the territory now included in the states of Victoria and Queensland. The territory of Victoria was founded by settlers from Tasmania in 1835, and, after some hesitation on the part of the Home government to extend its commitments, was incorporated into the colony of New South Wales. When the Legislative Council of New South Wales was established in 1842, Port Phillip (as this part of the colony was known) had the right to six members in it. But the diverse interests of the two settlements, and the impracticability, owing to difficulties of travel, of having local men as their representatives, led to a movement for their establishment as a separate colony. This movement was prosecuted so vigorously that, in 1846, the Home government was induced to accede to the request of the settlers.

Lord Grey, who had succeeded to the Colonial Office, communicated to the governor of New South Wales the decision of the Home government. But he was not content to confine himself to this simple announcement. He seized the opportunity of airing

one of his crotchets. In addition to announcing the intention of separating the Port Phillip District, he proposed a new form of government for New South Wales. There should be a return to the old type of colonial constitution. Instead of a single chamber composed of nominated and elected members, there should be two chambers—a Legislative Council nominated by the Crown and a popularly elected Assembly. The House of Assembly should be chosen not directly by the people, but by their representatives in the municipalities; and the whole of the colonies should be combined in a federal system.

Grey's proposals, which reached Sydney, aroused great indignation among all classes of the people. Robert Lowe (afterwards Lord Sherbrooke) declared at a great public meeting that whoever supported this damning proof of Colonial Office tyranny would be a traitor to his country. The questions of the double chambers and the federal assembly did not occupy attention. The meeting protested against the imposition upon the colony of district councils or municipalities, and the proposition that the election of representatives to the Assembly should be left to such municipalities filled them "with the utmost apprehension and dismay." They desired a form of government founded as nearly as the circumstances will permit upon the principles of the British constitution, and declared that to make the colony the subject of a theoretical experiment in legislation would be a measure the justice or policy of which they never would admit.

Somewhat later the question of a federal government came under discussion. It was altogether discountenanced in the colonies. The reasons against it were summed up by Lowe in a speech in London in 1850. "There is no intercolonial feeling at all, or hardly any. They have no foreign policy. They know the mother country, but of the neighbouring countries they know nothing. They have no other community of feeling, and I believe they have no community of interest."

After a long discussion both within and outside parliament an Act for the government of Australia was enacted on August 5, 1850. It provided for the separation of the new colony of Victoria from New South Wales; for the continuance of the existing form of legislature, that is, by a single mixed Legislative Council; for alterations in the civil list by the Legislative Council, subject to the approval of the sovereign; for the alteration of the constitution of the legislature by the substitution for the present Legislative Council of two houses, a nominated Legislative

Council and an elected House of Assembly, with the proviso that any measure to that end adopted by the governor and Council required for validity the approval of the sovereign after the measure had lain on the tables of both Houses of Parliament for thirty days.

The Act occasioned a great outburst of feeling when it was published in Australia. The last Council of the undivided territory of New South Wales adopted a series of resolutions of remonstrance. They declared that the colonial legislature, and it alone, had the power to appropriate the colonial revenues; that it, and it alone, had the right to administer the public lands; that, except the governor, all public servants should be settled inhabitants of the colony; that no bills adopted by the legislature should be held over for her Majesty's approval, unless they affected the prerogative of the Crown or the general interests of the Empire.

The first legislature of the new colony of New South Wales pursued the subject with even more energy. A petition was prepared, in which it was represented that it would be impossible for the legislature to perform its functions satisfactorily, so long as every measure of importance had to be submitted to the decision of an "inexperienced, remote, and irresponsible department". They also offered, as the condition of the surrender of all the colonial revenue to the control of the colonial legislature and the concession of a constitution similar in outline to that of Canada, to provide for the whole cost of the internal government, including a civil list on the terms permitted to Canada.

The discussion in the Legislative Council was remarkable for a speech of great warmth by the leader of the Council. It was in the tone of the patriotic speeches prior to the Revolutionary War. Burke, Pitt, Camden, and other friends of the colonies were enlisted on the side of the Australian colonies. The speaker concluded by declaring that, if redress were not granted, "the time will have come when the resistance spoken of by Lord Camden as lawful and right against oppression must be made."

Lord Grey hardened himself against granting any concessions which the colonists considered valuable. Grey was a conspicuous instance of that class of persons who are convinced that they have peculiar qualifications for the art of governance. He had definite opinions on every point of colonial policy, and waxed impatient with any different views that might be entertained by the colonies concerned. He would have liked experiments made in Canada of

his plans for the settlement of the country, for the disposal of the public lands, and on the point of trade he was a fanatical free trader. Nothing but Elgin's good-humoured remonstrances, and the obvious success of the administration under Elgin, prevented interference which might have proved disastrous to the relations between Canada and the Mother Country.

It was the constant interference of the Colonial Office with colonial legislation that caused most of the resentment in New South Wales. The Legislative Council declared that it was just such interference that had cost the Mother Country her American colonies. They were resolved that no effort should be relaxed until they were placed on a footing of equality with their fellow citizens abroad. As an earnest of their resolution, they announced their intention of withholding the supplies until a favourable answer was returned to their demands.

Fortunately, the resignation of the government of Lord John Russell in 1852 carried with it the removal of Lord Grey from the Colonial Office. He was replaced by Sir John Pakington, a statesman of whom not much is known, but who had sufficient vision to see whither Grey's obstinacy tended. He lost no time in making a complete reversal of Grey's policy. In a despatch of December 15, 1852, which is regarded as the Magna Charta of Australia, he accepted the assurance of the governor, Sir Charles Fitzroy, that the memorials expressed the sentiments of the most loyal, respectable, and influential of the colonists. The Home government felt it to be urgently necessary to place full powers of self-government in the hands of a people so advanced in wealth and prosperity. The substitution of a double for a single chamber could be managed by the Legislative Council themselves under the Act of 1850. The civil list and the control of the public lands, the subjects to which the colonists attached most importance, would be relinquished to the control of the colonial legislature, as a matter of justice as well of expediency.

The Derby government, of which Pakington was a member, resigned before the end of 1852, but the Aberdeen government accepted the policy of its predecessor, and the Duke of Newcastle's despatches, which were laid on the table of the Legislative Council in May, 1853, were the occasion of great rejoicing. Deep gratitude was expressed to the two colonial secretaries and to the governor, who had supported the Legislative Council throughout. A committee was appointed to draft a new constitution. Two bills were drawn up, one to confer a constitution on the colony, and

the other for submission to the Imperial parliament for the purpose of giving validity to the former.

In the consideration of the constitutional bill, much discussion took place as to the composition of the new Legislative Council. The committee agreed that it was undesirable to "sow the seeds of a future democracy", and they therefore rejected the proposition of an elected council. They swung, indeed, a long distance to the right. Observing in the Canadian Constitutional Act of 1791 the nearly forgotten clause authorizing the bestowal of hereditary titles, the committee proposed that when hereditary titles were conferred on any person in New South Wales it should be lawful for the Crown to annex to the title a right for the original patentee to be summoned to the Legislative Council; when the number of persons to whom these hereditary titles should have descended should, with the original patentees, amount to fifty or upwards, the Legislative Council as composed should cease, and these fifty or more, all being of the age of twenty-one years or upwards, should elect twenty of their number to constitute a Legislative Council. The system, it was argued, would be analogous to the election of the Scottish and Irish peers to the House of Lords. The head of the committee suggested that there was a class in the colony peculiarly fitted for hereditary distinction—the Shepherd Kings.

When this proposal was published it met with so much opposition that it was dropped.

The bills as finally settled were transmitted to London in 1854, but they reached there at so advanced a period in the session that the consideration of them by parliament had to be deferred until the following year. When the constitutional Act passed by the New South Wales legislature was examined, it was found to contain certain clauses which it was not in their power to enact. The colonial secretary was unwilling to adopt the ordinary course in the circumstances, of returning the Act to Australia, owing to the length of time that would be consumed. He therefore struck out the invalid clauses, and passed the other Act giving authority to the Queen to assent to the Australian Constitution Act as amended. On July 16, 1855, the Australian Constitution Act received the assent of the queen.

Responsible government is not recognized in any term of the Act, nor did Lord John Russell, who had charge of the measure, think it necessary that the system should be specifically mentioned. It would go into operation when the machinery was



complete. The Australians, however, were leaving nothing to chance. Before they had received notice from the colonial secretary of sanction having been given to the Constitution Act, the Legislative Council appointed a committee to enquire what changes would be necessary to carry out the principles of responsible government. Several matters were reported on, and as evidence that they were well acquainted with the course of events in Canada after responsible government was introduced, they made express reference to the collision between Lord Metcalfe and his ministers. With a determination that nothing of the same sort should occur in New South Wales the committee conclude their report with the following resolutions:

"That the committee venture to express the hope that the great change which is to take place in the administration of the colony will not have its value impaired by any erroneous views entertained by Her Majesty's representative of the position which he is to hold with respect to his responsible advisers."

"That the despatch from Lord John Russell with the Constitution Act clearly shows that the Imperial Ministry contemplate that the Responsible Government which they have conceded to this colony is not to be considered either a sham or a fiction, but a reality."

The despatch with the Act creating the new constitution was received in Sydney on October 29, 1855, and the Act was proclaimed on November 24. The Legislature was to consist of two Houses, a Legislative Council and a Legislative Assembly. The Assembly was to consist of fifty-four members to be popularly elected. The members of the Legislative Council, who were to be not fewer than twenty-one in number, were to be appointed by the governor with the advice of the Executive Council. Four-fifths at least of those appointed were to be persons not holding any office of emolument under the Crown.

The elections were held in April, 1856, after which the first responsible ministry was formed, consisting of a premier and four others.

A grand banquet was held to celebrate the occasion. The chairman was Dr. Bland, who had devoted his life to make an old dream—a constitution similar to that of Canada—a reality. The conclusion of his speech gives an idea of his quality:

I know not in what terms to express the feelings which this wise and just act of the Imperial Government excites. To those little versed in British motives and reasonings, it may appear more like



romance than reality. We, on the contrary, better acquainted with the doings of the British Government, particularly of late years, should simply class this great act with those noble, those splendid, those wise measures: the Reform Bill, the Emancipation Bill, the abolition of slavery, the repeal of the Corn Laws, and the inauguration of Free Trade—acts the brightest of Britain's trophies; victories gained over herself—the epic poetry of history.

WILLIAM SMITH

## THE FIRST RESPONSIBLE PARTY GOVERNMENT IN BRITISH NORTH AMERICA

**I**N the evolution of that body of political custom which we may call the constitution of the present-day British Commonwealth of Nations, the experiences and contributions of the provinces of British North America during the first half of the nineteenth century are of paramount importance. Here the struggle for self-government which had disrupted the Empire in 1776 was continued until a method was evolved which secured that great boon without resorting to secession or republicanism.

Nova Scotia, because of the quality of her people and the maturity of her society, was probably best fitted of all the provinces to make a contribution of this character. The method which she was to follow was suggested by Joseph Howe, the leader who was to carry on the struggle, in a speech during his first campaign for a seat in the provincial parliament in 1836. At that time Howe had asked that British institutions of government as well as British law be *adapted* to the conditions of Nova Scotia.<sup>1</sup> From this date to the date of its accomplishment in 1848, this statesman, and the Liberal party which he organized and led, struggled to secure the adaptation of the English constitution to the new conditions of a democratic community. This was a task of vast magnitude, for that which they sought had never been defined nor finally agreed upon even by those who were called upon to administer it. A lack of this definition and understanding had led to the failure of the Empire in America in 1776, and was even then (in 1836) leading to a civil war in the provinces along the St. Lawrence River. It was largely a matter of interpretation; and the Liberals of Nova Scotia were seeking the English constitution as they interpreted it or rather as they understood it. The life of Nova Scotia was essentially democratic, so that in attempting to *adapt* the constitution of the mother country to their conditions they were in reality attempting the democratization of the Imperial constitution. By this process of adaptation or reinterpretation by the new and democratic communities, the old constitution was applied to a

<sup>1</sup>J. A. Chisholm (editor), *Speeches and public letters of Joseph Howe* (Halifax, 1909), Vol. I, p. 104.

world system known first as an empire, but now generally understood as a commonwealth of self-governing nations.

In Nova Scotia the struggle of parties over this question waxed warm until 1840, when, under the advice of the governor-general, Charles Poulett Thomson, an executive council was constituted from both political parties. With this coalition system Lord Falkland began his administration (September, 1840), with every indication that the government would follow the wishes of the people as represented in the assembly. Friction and discord soon developed, however, and in 1843 the Liberal members resigned from the council, and it was obliged to carry on the government as a "rump" party organization with the doubtful support of the assembly, and constantly under the fire of the leaders of the Liberal party.<sup>1</sup> In 1836 the Liberals came into power in the English government under the leadership of Lord John Russell, with Earl Grey as secretary of state for the colonies and war. Lord Elgin was appointed governor-general of Canada, and Sir John Harvey succeeded Lord Falkland as lieutenant-governor of Nova Scotia. The new lieutenant-governor arrived in Halifax on August 11, 1846, to face the problem of a locked government and a party schism unsurpassed as yet in any colony in which he had had experience.<sup>2</sup> He had been popular and successful in the other provinces, and felt confident that the difficulties in Nova Scotia would yield to his tactful manipulation. Sir John Harvey was himself something of a Liberal in his views, and favoured a system of responsible government as he understood that term. His conception of that system was little different, however, from that held by Lord Falkland and the members of the "rump" council, which had already met disaster in the province of Nova Scotia. This interpretation involved an executive council made up of members of all political parties, responsible to the lieutenant-governor, who in turn was responsible to the minister of the Crown for the success of his administration.<sup>3</sup>

<sup>1</sup>For the events and changes during the period from 1836 to 1846 see the writer's forthcoming book, *The evolution of responsible government in Nova Scotia*.

<sup>2</sup>Harvey had served as lieutenant-governor of New Brunswick and of Newfoundland, from which province he came to Nova Scotia.

<sup>3</sup>Harvey to Durham, August 7, 1838. *The Durham Papers* (Canadian Archives), Sect. 3, Vol. II, p. 979. Harvey to Simonds, December 16, 1839. *Correspondence of Sir John Harvey, New Brunswick, 1839-1840* (Canadian Archives). Harvey to officers of the government of New Brunswick, December 21, 1839, printed in G. E. Fenety, *Political notes and observations* (Fredericton, 1867), I, pp. 41-42.

A coalition system was Harvey's idea of responsible government, and his pet hobby for the solution of the problem of Nova Scotia. Even before his arrival, his friends in Newfoundland wrote ahead recommending him and his pet system to the leaders of the Liberal party. It was pointed out that even in the mother country coalitions were becoming less objectionable, and,

in my humble opinion, for the successful working of the principle of responsibility they are absolutely necessary in the colonies.<sup>1</sup>

Before he arrived in Halifax, a member of the Conservative council had met Harvey, and plans were discussed for such a system to be inaugurated upon his assumption of the Government.<sup>2</sup> When the new lieutenant-governor, therefore, arrived in Nova Scotia, he offered a coalition system to the leaders of the Liberal party; but such a system had been tried by those gentlemen, and, moreover, the election was drawing near and the Liberals had confidence that they would succeed. They refused to accept Harvey's definition of responsible government.

On September 5, J. W. Johnston, the attorney-general and leader of the Conservative party in Nova Scotia, sent to the lieutenant-governor a full statement of his position on the question of responsible government. He referred to a resolution passed by the assembly in March, 1844, as the expression of his views on that subject which the government, of which he had been a part, had acted upon since that time.<sup>3</sup>

The principle embodied in this resolution and in the position of the attorney-general as outlined to Harvey was the same as that which he himself had acted upon in the other provinces and which he planned to inaugurate in Nova Scotia; it was a coalition system, in which the members of the government were held responsible to the representative of the Crown, who in turn was responsible to his royal master and his government for the success of his administration. With this statement of the position of the Conservative leaders Harvey turned to Joseph Howe and his followers to gain their adhesion to this point of view. He proposed

<sup>1</sup>John Kent of Newfoundland to Howe, July 22, 1846. *Papers of Joseph Howe* (Canadian Archives), Vol. I, pp. 143 *seqq.*

<sup>2</sup>The solicitor-general, Edmund M. Dodd, to Harvey, January 28, 1848, enclosed in Harvey to Grey, January 29, 1848, *Parliamentary Papers*, H.C. 621 (1848), p. 38.

<sup>3</sup>Johnston to Harvey, *Nova Scotia Letter book*, No. 119 (Nova Scotia Archives), p. 73.

to them the formation of a coalition government in order, as he said, to avoid the bitterness which an appeal to the electorate would inevitably involve. In making this appeal he offered himself frankly as a mediator and a moderator and not as a partisan in any sense, and pointed to his success with such a plan in the other provinces to justify their confidence in him and his proposals.<sup>1</sup>

At the same time Harvey explained his position to the colonial secretary, Earl Grey, as openly opposed to responsible party government as inapplicable to the condition of a small colony and inconsistent with its relations to the parent state. He expressed also distrust for the Conservative party and its leader, since they were intrenched in the upper house, or Legislative Council, where they could defeat the programme of his administration as well as the wishes of the House of Assembly. To correct this situation, and to make it possible to establish a real coalition system in which he would not be obliged to support either party, he asked that either the three members last appointed during Falkland's administration be asked to resign, or that authority be granted to him to increase the size of that body so that members from the Liberal party could be appointed.<sup>2</sup>

Before this letter was sent the Liberal leaders had given their replies to Harvey, and he was able to enclose them for Earl Grey's perusal. The memorandum by Joseph Howe states the position of the Liberals on the question of a coalition:

Political principles and the rights of vast bodies of people are involved in the present struggle. For any man to abandon or sacrifice these after a ten years' contest is for him to declare himself infamous and to have the character of an apostate and a deserter. The matter was not a personal one, but one of large political principles, and the Liberal party could not co-operate with those whose views and acts they opposed. The Conservatives should either form a council able to command the support of the assembly, or resign. He advised the lieutenant-governor to dissolve the assembly and thereby begin a new era in Nova Scotia.<sup>3</sup>

The Liberal party had every reason to believe that they would soon be in complete control of the whole situation. They felt

<sup>1</sup>Memorandum to Howe, Doyle and Young, September 14, 1846, *Papers of Joseph Howe* (Canadian Archives), Vol. I, pp. 159 seqq.

<sup>2</sup>Harvey to Grey, September 15, 1846 (Colonial Office 217/193).

<sup>3</sup>Howe to Harvey, September 18, 1846, *Papers of Joseph Howe* (Canadian Archives), Vol. 29. *Memoranda*, pp. 20 seqq.

confident of the support of the electorate, and the time for an election was drawing near. The new lieutenant-governor was not personally arrayed against them, and most important of all, there was an understanding as between the Liberal party in England, which had just come to power under Lord John Russell's leadership, and the Liberals of Nova Scotia. The connecting link was Charles Buller. Howe had written to him first in February, 1845, explaining fully the difficulty with Falkland and his administration, reciting the history of the fight of the Liberal party since Lord Sydenham's visit to the province in 1840, and the attempt to use a coalition system, in order, as he said, to inform someone in England as to the true state of affairs, and to inquire if Lord Stanley would give him a hearing in case he should come to London.<sup>1</sup> The reply was a most gracious one thanking Howe for the full account of political events and expressing a strong sympathy for his cause.

How sincerely I hope that the chances of Responsible Government which are now unfavourable to you may turn so as to give your country the benefit of your management of its affairs.<sup>2</sup>

Buller wrote again on September 10, 1846, congratulating Howe on the riddance of Lord Falkland and assuring him that now there were "sound views" in the colonial office.<sup>3</sup>

At the very time when Howe was refusing Harvey's advances to join a coalition government he (Howe) addressed another letter to his friend Buller expressing satisfaction with the victory of the Liberals in the English elections.

Your own election was felt by every Liberal in Nova Scotia as a personal compliment and we all believe that in the hands of Lord John Russell and Earl Grey, aided by such men as Mr. Hawes and yourself, we are safe.

He advised dissolution as the solution of the difficulty in Nova Scotia:

If you have, as I suppose, any influence with Earl Grey, request him to dissolve our House and you will have no more trouble in Nova Scotia for the next four years.

In the same letter he informed his friend that he would send by

<sup>1</sup>Howe to Buller, February 28, 1845, *Papers of Joseph Howe* (Canadian Archives), Vol. 32, *Letter Book*.

<sup>2</sup>Buller to Howe, April 3, 1845, *Ibid.*, Vol. 1, p. 126.

<sup>3</sup>Buller to Howe, September 10, 1846, *Ibid.*, p. 151; the Russell ministry, with Earl Grey as secretary of state for the colonies and war, came into power in June, 1846.

the next mail a pamphlet on colonial government for the chief minister of the Crown, Lord John Russell.<sup>1</sup>

With the beginning of Harvey's administration, then, we have a new attempt to establish in Nova Scotia a coalition government by a lieutenant-governor who, while having confidence in the leaders of the Liberal party, is opposed to their interpretation of responsible government as party government, and at the same time fears that the Conservative party, already entrenched in the government, would block the programme of his administration. The leaders of the Liberal party realized that the contest was for a constitutional principle which was vital not only for the province of Nova Scotia, but for the whole of the British Empire in its future development. There was a cordial understanding as between the Liberals in England and those of Nova Scotia, so that again Joseph Howe took up his pen to educate the statesmen of the Empire as to the true nature of the colonial or imperial constitution.<sup>2</sup>

In October two open letters were addressed to Lord John Russell to explain the nature of responsible government as understood by the people of Nova Scotia. The first letter dealt with the evolution and meaning of the colonial constitution. The place of the governor and of the legislature and executive council was fully discussed. The governors should be selected from the best possible metal and "worn as ornaments and not regarded as chains" to bind the colonies to England. The council should be held completely responsible to the representatives of the people for all their acts and should resign at once when they failed to command the confidence of the assembly.

Howe's arguments were for complete responsible party government under the Crown, which would give to the people of British America self-government without endangering their allegiance and connections with the Empire.<sup>3</sup> The second letter was devoted almost entirely to a plan for uniting all the British provinces of North America with the mother country by having them send representatives to the Imperial parliament. This would make the people Britons "in every inspiring sense of the word", and leave them "nothing to complain of and nothing to desire."<sup>4</sup> The letters were first published as a pamphlet, but later reprinted in

<sup>1</sup>Howe to Buller, September 16, 1846, *Papers of Joseph Howe* (Canadian Archives), Vol. 6, p. 76.

<sup>2</sup>In 1839 Howe had written a powerful pamphlet on the same subject in his four open letters to Lord John Russell. See Chisholm, *op. cit.*, Vol. I, pp. 221 *seqq.*

<sup>3</sup>Chisholm, *op. cit.*, Vol. I, pp. 609-631.

<sup>4</sup>*Ibid.*, pp. 621-631.



the leading newspapers of the land and universally read.<sup>1</sup> Earl Grey sent a personal letter to thank Howe, not only for himself but for Lord John Russell as well.<sup>2</sup> Early in November Earl Grey replied to Harvey's confidential letter of September 15, by stating the general constitutional principles which should govern his conduct in dealing with the difficulty in Nova Scotia. He advised him first to call on the members of the present executive council to name members for the vacancies in that body, and if they were unable to make a satisfactory arrangement, then he was to turn to the members of the opposition party to construct a council, and if they so advised, to dissolve the assembly. In no case was he to become a partisan, but to maintain his position as mediator and moderator among all the parties, and to avoid the use of the prerogative for purely partisan purposes.

Such are the general principles upon which the Constitutions granted to the British North American colonies render it necessary that their government should be conducted.<sup>3</sup>

The colonial secretary then was nearing the point of view of the Liberal party in Nova Scotia on the question of responsible government. It is evident that Earl Grey had in mind, if it could possibly be formed, a coalition system, but when that failed and became impossible, the recourse was that desired by Joseph Howe and his followers, party government. This letter, which was an acceptance by Earl Grey of the principles advocated by the Liberal leaders of Nova Scotia, was given to Lord Elgin as part of his instructions,<sup>4</sup> and with the subsequent dispatch to Harvey of March 31, 1847, went to New Brunswick<sup>5</sup> and to Prince Edward Island<sup>6</sup> as the expression of the views of the Imperial government on the question of responsible government. Harvey did not publish this dispatch from Earl Grey, nor did he carry out the instructions which it contained, as Grey evidently intended.

<sup>1</sup>*Ibid.*, p. 608.

<sup>2</sup>Grey to Howe, November 17, 1846, "I may say that I have read them with very great interest and I am much obliged to you for forwarding them to me."

Grey to Howe, November 24, 1846. Grey says that he has been instructed by Russell to express his thanks for the pamphlet. Both letters are in *Papers of Joseph Howe* (Canadian Archives), Vol. 1, p. 183.

<sup>3</sup>Grey to Harvey, No. 3, 1846, *Parliamentary Papers*, H.C. 621 (1848), pp. 7 *seqq.*

<sup>4</sup>Earl Grey, *Colonial policy of Lord John Russell's administration* (London, 1853), Vol. I, p. 209.

<sup>5</sup>Despatch, Grey to Colebrooke, No. 84, June 17, 1847, *New Brunswick, Dispatches Received* (Canadian Archives), Vol. 28.

<sup>6</sup>Grey to Donald Campbell, November 12, 1847, G. 282 (Canadian Archives), pp. 257 *seqq.*

Harvey was so completely convinced of the wisdom of coalitions that he bent every energy in a renewed attempt to organize his government upon that basis, and even when he failed to do so, he failed to turn to the other party for their solution. Instead, he allowed the political clock to run down, and without knowing of his confidential instructions from Grey, the people of Nova Scotia worked out their own solution of the difficulty, and through their own representatives established a responsible party government.

In this case again, Charles Buller played the role of a go-between for the followers of Joseph Howe and the colonial office. He informed Howe that he was sure that Grey had impressed upon Harvey the fullest adoption of the principles of responsible government, and expressed faith in Sir John Harvey to entrust the government to those who possessed the confidence of the assembly. At the same time he warned his friend against a dissolution contrary to, or without the advice of, the executive council, which would be an unconstitutional act, a move which the friends of responsible government must guard against always. He assured Howe of Grey's good intentions, and expressed great satisfaction that the Liberals in Nova Scotia had stood out against a coalition arrangement.<sup>1</sup>

With this assurance the Liberals adopted a policy of watchful waiting. They had the support of the home government and the confidence of the people of Nova Scotia. The election was approaching, and in the meantime Harvey was allowed to go on his way in a vain attempt to establish a coalition government. They realized that he could not succeed and feared that his efforts would cost him the friendship of a majority of the people. Howe even expressed a fear that the Tories would carry him down in their own ruin, but stood ready to save him if possible because of his "thousand good qualities."<sup>2</sup>

In December, Sir John Harvey began a new attempt to establish his favourite system by approaching first the members of his "rump" council and asking them to suggest names for the vacancies then existing. He asked that all personal feelings be laid aside, and offered himself as a mediator and moderator among

<sup>1</sup>Buller to Howe, November 16, 1846, *Papers of Joseph Howe* (Canadian Archives), Vol. 1, pp. 175 *seqq.*

<sup>2</sup>Howe to John Kent of Newfoundland, November 28, 1846, *Papers of Joseph Howe* (Canadian Archives), Vol. 6, p. 96.

the parties. In support of his position Harvey quoted a small paragraph from his letter from Grey of November 3:

Of whatever party your council may be composed it will be your duty to act strictly upon the principles you have yourself laid down in the memorandum delivered to the gentlemen with whom you have communicated, that, namely, of not identifying yourself with any one party but instead of this, making yourself both a mediator and a moderator between the influential of all parties.<sup>1</sup>

He informed them also that no one would be deprived of his office unless it was given up voluntarily for a great public object, but that he expected to make subsequent appointments on an impartial basis.<sup>2</sup> This was the only hope for Harvey's system, to secure a satisfactory arrangement by the members of the existing council so that it would not be necessary to carry out the alternative plan outlined by Earl Grey.

The members of the "rump" council agreed with Harvey perfectly, and were more than willing to co-operate with him in forming a mixed government. They would offer the vacant seats in the council to the leaders of the Liberal party; and two of their number, Mr. Dodd, the solicitor-general, and Mr. Almon, would even resign their offices in order to make a coalition government possible.<sup>3</sup> Harvey was delighted with this frank and generous reply to his proposal, and assured them that the queen would reward the generosity of those who had offered to resign their positions in the interest of a mixed government of the best talent of all parties.<sup>4</sup> He then turned to Joseph Howe and his followers,<sup>5</sup> by submitting to them his entire correspondence with the Conservative leaders, and asked them to co-operate in organiz-

<sup>1</sup>Harvey to executive council, December 2, 1846, *Journal of Assembly of Nova Scotia, 1847*, Appendix, No. 16, p. 63.

<sup>2</sup>Supplementary memorandum to executive council, *Ibid.*, p. 67.

<sup>3</sup>Executive council to Harvey, December 4, 1846, *Ibid.*, pp. 65-66.

<sup>4</sup>Harvey to executive council, December 11, 1846, *Parliamentary Papers*, H.C. 621 (1848), p. 12.

<sup>5</sup>Harvey to Howe, December 10, 1846. Harvey asked to see him in order to make a proposition to the "leaders of your Party." *Papers of Joseph Howe* (Canadian Archives), Vol. 1, p. 201; but Howe, who had retired to the country, refused to come to town so as not to be blamed for the failure of the council to complete its membership. He assured Harvey, however, that if they became unreasonable "Your Excellency may fairly set them at defiance and a day or two will be sufficient to put matters right." Howe to Harvey, *Papers of Joseph Howe* (Canadian Archives), Vol. 6, p. 100.

ing a government which would give to neither party a victory over the other,<sup>1</sup>

The Liberal leaders were unmoved. They rebuked Harvey for the use he had made of the correspondence of the Conservative leaders and pointed out to him that his "rump" council had evaded his instruction to fill the vacancies in that body by giving the names of those who would go out but not the names of those who would go in to co-operate with them. The English practice, they said, should be followed in a case of this kind; the members of the government should fill up the council or confess their inability to do so and resign. The Liberals would not co-operate because they disbelieved in coalition arrangements, which did not work well even in the mother country.<sup>2</sup> More than that, the offer of the Conservative leaders of a single office and a minority membership in the council was unfair even if the principle of coalition be accepted. They would wait until the people of the province had decided "between them and us" on certain fundamental principles among which were responsible government, tenure of office, control of the casual and territorial revenues, and the question of the partisan character of the Legislative Council. They even expressed a doubt as to the sincerity of the Conservative leaders in attempting to form a non-partisan government. They would retain control under the guise of a coalition as they had done following 1840.<sup>3</sup>

Harvey's attempts had failed; the Liberal leaders sought the methods of the English constitution as they interpreted it, and waited confidently for the people of Nova Scotia to turn out of the government those who sought to continue a system out of harmony with their interpretations. He then turned to the colonial office with a full account of his failure to form a coalition system, enclosing all the correspondence he had had with both parties.

After the perusal of these documents no surprise can be felt by your Lordship at the failure of the attempt to effect under present circumstances, any cordial fusion or coalition between two parties whose views and sentiments so little disposition to approximate has as yet been manifested.

<sup>1</sup>Memorandum to leading members of the opposition, December 14, 1846, *Journal of Assembly of Nova Scotia, 1847*, Appendix No. 16, p. 69.

<sup>2</sup>Buller had said so in his letter to Howe of November 16, 1846. See page 122.

<sup>3</sup>Letter from Howe, Doyle, McNab, and George Young to Harvey, December 17, 1846, *Papers of Joseph Howe* (Canadian Archives), Vol. 25, pp. 1-13.

The public business, he assured Grey, would not suffer, but the principles would come up again after the approaching election.<sup>1</sup> When Harvey turned to his council with the reply of the Liberal leaders they did not resign, but claimed the support of the majority of the assembly and laid the blame for their failure to fill up the vacancies upon their opponents.<sup>2</sup> All that could be done now was to sit down to the business of the session of 1847 and wait for the election which was due in the summer of that year.

At the opening of the session no reference was made to the question of responsible government by the lieutenant-governor in his address to the legislature. The next day, January 22, the newly appointed governor-general of Canada, Lord Elgin, was with Harvey when he received the replies from the two houses.<sup>3</sup> He was welcomed by the city of Halifax and by the legislature with appropriate addresses, and met and conferred with the leaders of both the political parties, explaining his own position relative to their government, and discussing the leading questions and problems then before the country, such as railway communications and the customs establishment.<sup>4</sup> In company with the lieutenant-governor and his "rump" council the whole question of responsible government was discussed. The attorney-general, J. W. Johnston, leader of the Conservative party, presented the arguments against the adoption of such a system. The party contests in such a small community, he said, were on a rather low plane and not the result of differences of opinion on great political questions. The offices of the government were held by men who personally performed the duties of the office, depended upon their salaries for a living, and therefore had no time for party politics. To establish heads of departments removable with a change of party would involve an expense which the people would not be willing to assume if they understood the question fairly. His final argument was one which had been oft repeated, that a system of responsible government was inapplicable to a small province like Nova Scotia.<sup>5</sup>

<sup>1</sup>Harvey to Grey, December 17, 1846. Extracts and enclosures in *Parliamentary Papers*, H.C. 621 (1848), pp. 9 *seqq.*

<sup>2</sup>Wilkins to Harvey, December 24, 1846, *Journal of Assembly of Nova Scotia*, 1847, Appendix No. 16, pp. 84 *seqq.*

<sup>3</sup>Harvey to Grey, January 25, 1847, *Letter Book of Nova Scotia* (Nova Scotia Archives), No. 119, p. 69.

<sup>4</sup>Elgin to Grey, January 23, 1847 (Colonial Office 42/541).

<sup>5</sup>Elgin to Grey, February 18, 1847 (Colonial Office, 42/541).

Lord Elgin refrained from any full discussion of abstract principles, but made a strong protest against the idea that "no public claims could compete with service rendered to a party under a system of government in which the people had a voice and which was conducted on the principles of the British Constitution", and pointed out that "an earnest and single-hearted endeavour to promote the happiness of the people, and to advance their material and moral wellbeing and a resolution steadily acted upon to employ patronage and power for those ends alone were the best expedients for ensuring the strength and stability of government." He informed Grey that he deemed it one of his most urgent duties to correct the idea that patronage was to be used for the purpose of purchasing party support. Offices of trust should be held for the benefit of the people and not for the advantage of the leaders.<sup>1</sup>

In the minds of the Conservative leaders this was a body blow at the system of party government advocated by their opponents. It was agreeable also to the views of Sir John Harvey. The extreme possibility which they had in mind was the "spoils system" of party politics at that time so openly used in the United States. Responsible party government meant to these gentlemen republicanism rather than the monarchical system of the mother country.

This conference with Lord Elgin gave the Conservatives new hope, and they prepared at once to win over to their support not only the lieutenant-governor but also, through him, the support of the Colonial Office and Earl Grey.

On January 28 the Conservative leaders addressed to Harvey a carefully prepared reply to the statements made by the Liberals in their refusal of a coalition on December 17, 1846. Their leader, J. W. Johnston, was probably one of the ablest lawyers of his time, and the paper he submitted was a masterpiece of argument. It denied the accuracy of the statements made by the Liberals, and gave a complete history of the case since the visit of Thomson in 1840. The Liberals sought to change the constitution merely for their own personal interests, while the Conservatives opposed such a change because the circumstances of the province made it impossible to establish the methods of the British constitution in any real sense. The proposals of the Liberals would, if adopted, establish in Nova Scotia the spoils system of party politics as

<sup>1</sup>*Ibid.*



it then existed in the United States. The English statesmen, Johnston maintained, should be informed of the following circumstances in Nova Scotia, which would make an adaptation of the British system impossible: there was no administration by heads of departments, and a majority of the officers of the government were not members of the executive council, and a majority of that body held no offices of trust in the government; the officers themselves performed the work of their offices and depended upon their salaries for a living, which made it impossible for them to engage in politics. To change this situation in order to establish responsible government, a financial burden would be saddled upon the tax-payers of which they certainly would not approve.

The Conservatives enclosed with this paper some documents to show that their position was in harmony not only with the expressed policy of their own legislature in 1844, but also with that of the legislature and governor-general of Canada (Metcalf).<sup>1</sup>

A strong case was thus presented to Sir John Harvey after the meeting with Lord Elgin against the establishment of responsible government as interpreted by the Liberal leaders. From the point of view of those who would place governmental efficiency above popular control and who believed that government was essentially paternalistic and should always be in the hands of the few "best minds", the arguments were conclusive; but the coming elections were soon to show how thoroughly out of place that philosophy of government was in the province of Nova Scotia.

The Conservative leaders then turned to convince the Colonial Office of the wisdom of their views. The same master hand prepared a statement to be submitted to Earl Grey by the lieutenant-governor in order that the colonial secretary might know the true circumstances of Nova Scotia. The arguments made to Harvey were again arranged and discussed for Earl Grey's benefit. The lack of a departmental system; the fact that money grants were not initiated by the government as in England, but came from the floor of the assembly where the qualifications for sitting were very low;<sup>2</sup> the smallness of the community, a population of only 250,000 people, living for the most part on small farms and destitute of the means of education; the scarcity of both labour

<sup>1</sup>The council to Harvey, January 28, 1847. *Journal of the Assembly of Nova Scotia, 1847*, Appendix No. 16, pp. 73-81. See the writer's forthcoming book on the *Evolution of responsible government in Nova Scotia* for a full treatment of the development since 1840 to which this document refers.

<sup>2</sup>40 shillings per annum from a freehold estate.

and capital for the advancement of commerce and industry; and the fact that there was no class in the community born to leisure and fortune, were some of the things pointed out in this paper as disqualifying Nova Scotia for the methods of the English constitution. Nova Scotia lacked those balancing factors, a nobility, a wealthy leisure class, which the mother country had within the home society. In closing the arguments, a request was made that Grey should send out a definite statement as to how far responsible government should be applied in Nova Scotia.<sup>1</sup> The Conservatives evidently did not know of the dispatch of November 3.

Harvey forwarded at once the two communications from the "rump" council with all the enclosed documents in a dispatch to Earl Grey, in which he called attention to his private communication of December 17, 1846, in which he concurred

entirely in the representations made by the Council with respect to the present circumstances of the colony, its political condition and the nature of its principal public affairs,

and recommended

that the very important subject thus brought to your Lordship's notice should receive the most careful consideration that may be consistent with your Lordship's convenience.<sup>2</sup>

This was a last hope for Harvey and the Conservative leaders. They could not form a mixed government, because the Liberals had refused to join them; they dared not fill the vacancies from their own party, because this would be party government, against which their arguments were directed. The Liberals were waiting patiently to receive the mandate of the people of the province, confident of the support of the home government, of which Harvey knew even more fully than they. The only hope for the Conservatives, then, was to secure a statement from Earl Grey which they could use to set aside the will of the people when and if they supported the Liberal candidates.

The reply of the English government came in two dispatches from Earl Grey during the month of March, 1847. The first acknowledged the receipt of the communication from Harvey of

<sup>1</sup>Executive council to Harvey (to be sent to Earl Grey), January 30, 1847. *Letter Book of Nova Scotia* (Nova Scotia Archives), No. 119, pp. 74 *seqq.*; see also enclosure No. 1 in Harvey to Grey, February 2, 1847, *Parliamentary Papers*, H.C. 621 (1848), pp. 17 *seqq.*

<sup>2</sup>Harvey to Grey, February 2, 1847. *Letter Book of Nova Scotia* (Nova Scotia Archives), No. 119, pp. 72 *seqq.*; see also *Parliamentary Papers*, H.C. 621 (1848), pp. 15 *seqq.*

February 2, with the enclosed papers, "of which the most important are two letters to you from your executive council", which, he observed, evidently closed the attempt at conciliation between the two parties. He regretted that the attempt had failed, but was not surprised at the result.

The experience of free countries shows that it but rarely happens that coalition of political leaders, which often appears the easiest solution of many political difficulties, can be arranged to the honour and satisfaction of those who are included in it or can form any permanent foundation for an efficient government.

He was convinced of the impossibility of such a system, and advised Harvey not to renew the attempt at a coalition, but to continue with his present council until the issue between the two parties was settled in the assembly and at the hustings, after which the necessary changes in the council could be made.<sup>1</sup> There is little doubt but that Earl Grey through Charles Buller was perfectly familiar with the situation in Nova Scotia, and was rather glad that the people there were to have the opportunity of deciding the issue for themselves. He had no fear of the results if the Liberals came into power. In this same dispatch Earl Grey informed Harvey that he would send to him soon a full statement as to the establishment of responsible government in Nova Scotia, and the result was the famous dispatch of March 31, 1847.<sup>2</sup> In the preparation of this document Earl Grey had behind him the full force of Joseph Howe's two pamphlets, that of 1839 and the more recent one of 1846, the open letters to Lord John Russell. He had also at hand the arguments presented by both parties in the attempts made by Harvey to form a coalition since his arrival in 1846. These, with the observations of Lord Elgin during his visit to Halifax in January, and the personal information which Charles Buller was able to give, made it quite possible for him to understand the problem with which he dealt in his famous dispatch. Self-government in a theoretical sense had been conceded to all British North America at least since 1840, but as yet no method had been found for applying that principle to the satisfaction of all parties. Indeed it might be said that the actual method of self-government even in the mother country was not as yet fully admitted nor understood by all parties. In the provinces several methods had been tried; the system of Sydenham

<sup>1</sup>Grey to Harvey, March 2, 1847. *Journals of the Assembly of Nova Scotia, 1848*, Appendix No. 1, pp. 7 *seqq.*

<sup>2</sup>See page 131, note 1.

in Canada (Canada under union), the coalition in Nova Scotia in 1840, and the system of Metcalfe more recently in Canada, had all failed to satisfy the aspirations of those who looked for complete popular control of their affairs. The system of complete party responsibility as proposed by Joseph Howe had not as yet been tried in any colony.<sup>1</sup> Nova Scotia was ripe for this experiment. All other methods had failed completely; two well-organized parties, each with talent sufficient to organize a government, existed in the province, and now in 1847 the people were about to decide between them in the elections. Party government was inevitable in Nova Scotia unless, of course, the Imperial government should deny to them absolutely the principle of self-government.

Under these circumstances, then, Earl Grey took upon himself the task of chalking out a method of procedure in organizing the government on a new basis. The result was a perfect statement of the constitution which Joseph Howe and his followers had struggled to secure since the opening of the conflict in 1836. Earl Grey started out with a brief description of the system of government and the methods in use in the mother country, where a small number of the great officers, heads of executive departments, were changed in accordance with the party changes in parliament. This system, he thought, could be adapted to the conditions of Nova Scotia with little or no difficulty. The province itself could determine how many of its officers should be subjected to this party fluctuation; only one, he said, would be sufficient, provided that one change would change the policy of the government according to the wishes of the legislature. He recognized, with the Conservative leaders and with Lord Elgin, the dangers of party politics. This would be checked by the lieutenant-governor and also by the good judgment of the party leaders in power:

and it is but due to what I have seen of the conduct of the principal advocates of responsible government in Nova Scotia, to express my reliance on the public spirit and sober estimate of their country's position and interest as the most effectual safeguard against any abuse of power.

Another check was the necessity of providing pensions for those who might be removed, by party action, from positions which they

<sup>1</sup>The nearest approach was probably the attempt in Canada during the brief administration of Sir Charles Bagot. See J. L. Morison, *British supremacy and Canadian self-government, 1839-1854* (Glasgow, 1919).

had held as of permanent tenure. With these points settled, he saw no obstacle

to the immediate adoption of that system of parliamentary government which has long prevailed in the mother country, and which seems to be a necessary part of representative institutions in a certain stage of their development.

This document constituted a full declaration of his views as to the practical application of the principles which he had laid down in his dispatch of November 3, 1846, and was to be taken as his reply to the request of the executive council for such a statement.<sup>1</sup> Thus Earl Grey, speaking for the British government, gave a formal recognition to the constitution of Nova Scotia as it had evolved out of the life and circumstances of her own people. It is significant that this document with the dispatch of November 3, 1846, became the foundation, or rather the recognition, of a new colonial constitution, the evolution of which was to make possible the modern commonwealth of nations under the British crown. The ancient British institutions were being poured into the moulds prepared by colonial liberalism from which they were to come renewed and democratized to be the basis for a world organization of free nations under the crown.

Harvey received this dispatch in April and, as he said, "perused it with great satisfaction."<sup>2</sup> In the meantime the session of the legislature, after no little friction between the parties, came to a close, and preparations were made for the elections. The Conservatives, realizing that this was to be a final struggle for their interpretation of the constitution, took the field early with an organization and financial resources never before equalled in the history of Nova Scotia politics. Personal abuse, false propaganda, and liquor were all used by the Conservatives to destroy the

<sup>1</sup>Grey to Harvey, March 31, 1847, *Parliamentary Papers*, H.C. 621 (1848), pp. 29 *seqq.* In one of the original drafts of this despatch a stronger declaration of principle is made than is contained in the document in its final form:

"Great, no doubt, are the advantages of party and government by party, but as every free government necessarily is a party government, I think it is better that Nova Scotia should submit to the evils of party government rather than be without the privileges of freedom".--Manuscript draft among the *Elgin-Grey Correspondence* (Canadian Archives).

Earl Grey showed this despatch to Charles Buller before sending it out to Harvey. —Buller to Howe, March 24, 1848. *Papers of Joseph Howe*. (Canadian Archives), Vol. 1, pp. 265 *seqq.*

<sup>2</sup>Harvey to Grey, April 20, 1847. *Parliamentary Papers*, H.C. 621 (1848), p. 32.

confidence of the people in Howe and his followers.<sup>1</sup> Howe met the attack by challenging the Conservative leaders to meet him in open debate, and when they refused, he prepared an open letter "to the Freeholders of Nova Scotia" in which he placed the issue squarely before them, as one between two principles of government, the decision on which would effect not only themselves but also all British North America. The boon of responsible government was to be won or lost by their action.<sup>2</sup> The eyes of the Liberal leaders in the sister provinces were focussed upon the results of this election. If responsible government could be won by this means, the others would follow suit.<sup>3</sup> Even in Bermuda, Howe was recognized as the leader of a movement which involved all the British colonies.<sup>4</sup>

The election was a great victory for the Liberal party. Twelve of the seventeen counties were carried by Liberal candidates.<sup>5</sup> After the elections, Joseph Howe returned to his home in the country, where he received the congratulations of his friends from all the provinces.<sup>6</sup> In spite of this expression of popular disapproval, the "rump" council failed to hand in its resignation, maintaining its right to continue in office at least until the opening of the session. Howe wrote to his friend, Charles Buller, in September, telling him of the election and of the failure of the council to resign, and warned him of possible intrigue with the Colonial Office.<sup>7</sup> The Liberals were indeed patient with the leaders of the defeated party, but they could well afford to be, for they were sure of their ultimate control of the administration. Harvey promised Grey that when the session met he would follow to the letter his instructions of March 31,<sup>8</sup> which had as yet remained a secret in Nova Scotia.

<sup>1</sup>See Chisholm, *op. cit.*, Vol. I, p. 461; and Northrup to Howe, April 21, 1847. *Papers of Joseph Howe* (Canadian Archives), Vol. I, p. 232.

<sup>2</sup>This letter is in Chisholm, *op. cit.*, Vol. I, pp. 642-649.

<sup>3</sup>Fisher of N.B. to Howe, June 12, 1847. *Papers of Joseph Howe* (Canadian Archives), Vol. I, p. 238.

<sup>4</sup>Washington of Bermuda to Howe, June 11, 1847. *Papers of Joseph Howe* (Canadian Archives), *Private Letter Book*.

<sup>5</sup>Chisholm, *op. cit.*, Vol. I, p. 650.

<sup>6</sup>Chipman to Howe, August 23, 1847. *Papers of Joseph Howe* (Canadian Archives), Vol. I, p. 249; and Fisher to Howe, August 25, 1847. *Ibid.*, p. 253.

<sup>7</sup>Howe to Buller, September 2, 1847. *Papers of Joseph Howe* (Canadian Archives), Vol. 6, p. 182.

<sup>8</sup>Harvey to Grey, No. 47, December 3, 1847. *Letter Book of Nova Scotia* (Nova Scotia Archives), No. 119, p. 119.



The session was called for January 22, 1848, and the new assembly, after a bitter debate, elected one of the Liberals, William Young, as speaker. In his address to the two houses the lieutenant-governor announced the receipt of an important despatch in which Earl Grey explained his views on the colonial constitution.<sup>1</sup> In their reply to the address the assembly informed the lieutenant-governor that

We consider it our humble duty respectfully to state, that the present Executive Council does not possess that confidence so essential to the promoting of the public welfare, and so necessary to ensure to your Excellency the harmonious co-operation of this Assembly.<sup>2</sup>

Sir John Harvey replied that he would lose no time "in adopting such measures as may appear . . . expedient".<sup>3</sup> On January 27 and 28 the members of the executive council resigned in conformity with the vote of no confidence by the House of Assembly.<sup>4</sup> At the same time the attorney-general, J. W. Johnston, and the solicitor-general, Edmund M. Dodd, resigned their respective offices in accordance with the same fiat.<sup>5</sup>

Harvey sent to Earl Grey at once a full account of the fall of the "rump" council, enclosing the documents involved, and recommended that the members be allowed to retain the honorary rank and precedence of their late positions.

I do not suggest this as a general rule, but as a graceful introduction into this province of the practical application of the principles of colonial government introduced into this colony.<sup>6</sup>

The way was thus cleared for the formation of a strictly responsible party government in Nova Scotia; and on February 2 such a government was organized, under the nominal leadership of James B. Uniacke, as president of the executive council and attorney-general, Joseph Howe as provincial secretary, and W. F. Desbarres as solicitor-general.<sup>7</sup>

<sup>1</sup>*Journal of the Assembly of Nova Scotia*, January 22, 1848.

<sup>2</sup>*Ibid.*, Jan. 25, 1848.

<sup>3</sup>*Ibid.*, January 27, 1848.

<sup>4</sup>Enclosed in Harvey to Grey, January 29, 1848, *Parliamentary Papers*, H.C. 621 (1848), pp. 36-37.

<sup>5</sup>Letters of Johnston and Dodd to Harvey, *Ibid.*, pp. 37-38.

<sup>6</sup>Harvey to Grey, January 29, 1848. *Letter Book of Nova Scotia* (Nova Scotia Archives), No. 119, p. 130.

<sup>7</sup>The executive council contained the following members: James B. Uniacke, Hugh Bell, Joseph Howe, Michael Tobin, James McNab, Herbert Huntington, Wm. Desbarres, Lawrence O'Connor Doyle, and George Young.—Minutes of Executive Council, February 2, 1848. *Papers of Joseph Howe* (Canadian Archives), Vol. 28, pp. 7 and 11.

The first act of the new executive council was to receive from the lieutenant-governor the famous despatch of March 31, 1847, together with the one which he had sent on November 3, 1846, which documents assured them in official language that they had acted in harmony with the wishes and according to the principles adopted by the Imperial government.<sup>1</sup> These documents, however, while they had been in the hands of the lieutenant-governor, were not used in any way to assist the Liberal leaders in carrying out their programme. Their success had been more the result of support from the people of Nova Scotia than from the colonial office. Now, having before them the expression of Grey's support, the new council hastened to assure him that they expected to act in accordance with the customs of the English constitution and had no intention of aping the ways of American republicanism:

resisting with firmness the introduction of a system against which it is evident Earl Grey desires to guard—of sweeping changes of subordinate functionaries, a practice which, however congenial to the spirit of Republican institutions, has never been contemplated or desired by the people of Nova Scotia.<sup>2</sup>

Harvey assured the Colonial Office that the change had been in every way successful and that it had been effected "upon fair and just principles" and that it constituted a great step toward the "tranquilization of this long distracted colony."

A more intimate account of the whole change of the government went across to the Liberals of the mother country in another personal letter from Howe to his friend Charles Buller, "in order to keep you informed of what has been passing here that you may mark the progress of the principles in the application of which to British North America you have had so large a share". He described the new assembly as the best house he had seen for years, characterized by "solidarity of judgment, varied information and energy", and containing a smaller number of those who would sacrifice an important measure for the sake of a road vote. The reading of the vote of no confidence he described as a scene very satisfactory to those "colonial Anglo-Saxons" who "were conscious of having achieved a revolution without bloodshed". The new government, he said, had discovered "two admirable

<sup>1</sup>Minutes of executive council, February 2, 1848. *Papers of Joseph Howe* (Canadian Archives), Vol. 28, pp. 7 and 11.

<sup>2</sup>Address of the executive council to be sent to Earl Grey. *Ibid.*, Vol. 25, p. 13.

<sup>3</sup>Harvey to Grey, February 10, 1848. *Parliamentary Papers*, H.C. 621 (1848), p. 39.

despatches<sup>1</sup> from Earl Grey which had been carefully concealed from April last when they were received here, the canvas of the party having been in direct opposition to the general views and spirit. Had they beaten at the elections we should never have seen the despatches at all." In describing the policy of the new government Howe told Buller that they would give to Nova Scotia "what she had never had yet, a working government properly checked and responsible in every department", and assured him that "we shall 'keep within the ropes' and conduct our operations in humble deference to the best examples shown us in the mother country", and that Grey would not be disappointed in reposing confidence in the new administration. The character of Joseph Howe as an Imperial statesman who had planned from the beginning of this struggle a constitutional contribution which would extend to all the Empire and to all peoples, was revealed again in this letter:

It will be our pride to make Nova Scotia a "Normal School" for the rest of the colonies showing them how representative institutions may be worked so as to secure international tranquillity and advancement in subordination to the paramount interests and authority of the Empire.<sup>2</sup>

This had been Howe's great theme, the development of a system of self-government which would bind the Empire closer together rather than separate its component parts. The contribution of Nova Scotia under his leadership to that body of political custom which we know as the Imperial constitution, was responsible party government for new and democratic communities. This blazed the way for complete self-government under the Crown without resorting to republicanism. This contribution, probably more than any other, has made possible the modern Commonwealth of Nations flung round the globe and holding in its keeping, together with the United States of America, the destiny of human civilization. Howe had dreamed of this from the beginning of his career,<sup>3</sup> and at last he had finally succeeded in

<sup>1</sup>The despatches of March 2 and 31, 1847.

<sup>2</sup>Howe to Buller, February 12, 1848. *Papers of Joseph Howe* (Canadian Archives), *Private Letter Book*.

<sup>3</sup>"When applied to her alone [Nova Scotia] these principles may appear of little importance. When I take a broader view—when my eye ranges over our vast colonial possessions—when I see countries stretching through every clime and embracing many many millions of people, more than the islands to which they belong—and when I reflect that upon a right understanding of these principles, a fair adjustment of these institutions, depends the security and peace of these millions of human beings, my

his native province in establishing his system without the assistance of the mother country and even without knowing definitely of the approval of the Colonial Office.<sup>1</sup> The views of Grey had even been used by Harvey in his efforts to establish a coalition system and thereby to prevent the victory of the Liberal leaders.<sup>2</sup>

When Earl Grey's views were finally published the people of Nova Scotia were pleased that the principles which they had long cherished and maintained had been approved by the government of the Crown.<sup>3</sup> Grey closed the whole case by writing to Harvey:

I trust that the system of responsible government, the principles of which they [the Liberal executive council] so justly appreciate and apply, may now be regarded as established in Nova Scotia.<sup>4</sup>

Thus the methods of the ancient constitution were adapted to the circumstances of a new and democratic community, and by the success of this new interpretation a revolution was accomplished which democratized the constitution of the British Empire, and established under the Crown a system of self-government which in its development is perhaps the nearest approach to that ideal expressed by the great Jefferson in his immortal phrase, "deriving their just powers from the consent of the governed".

W. ROSS LIVINGSTON

mind warms with the subject and expands with the magnitude of the theme."—Speech of Joseph Howe, February 12, 1837. Chisholm, *op. cit.*, I, p. 127.

<sup>1</sup>The despatches of Earl Grey were not submitted until after the new government had been organized.

<sup>2</sup>Harvey had quoted a small paragraph of the despatch of November 3, 1846, in his argument for a coalition government. See page 123, note 1.

<sup>3</sup>Harvey to Grey, February 28, 1848. *Papers of Joseph Howe* (Canadian Archives), Vol. 24, pp. 3 *seqq.*

<sup>4</sup>Grey to Harvey, March 7, 1848. Chisholm, *op. cit.*, Vol. I, p. 666.

## NOTES AND DOCUMENTS

### LETTER OF LOUIS RIEL AND AMBROISE LÉPINE TO LIEUTENANT-GOVERNOR MORRIS, JANUARY 3, 1873

THOSE who are interested in the events which took place at the birth of Manitoba will find in the following document a carefully written summary of the situation, viewed from the standpoint of the Métis and their leaders. This summary, with the foot-notes which accompany it, will, it is hoped, furnish evidence to unbiased readers that the so-called Red River rebellion never was more, at most, than a resistance on the part of a people who, in spite of their rude civilization, realized that they, and the land in which they lived, should not be bartered away without their being consulted about the bargain. Yet it should not be surprising if it were found that Riel and his people did not always observe, in their interpretation of the political situation, that strictly logical construction which a legal mind would place on it, and, for this reason, it is interesting to find in this letter what were the grounds which, they thought, justified their conduct in forming and supporting their provisional government. Another interesting point is the writers' explanation of the sad fate meted out to Thomas Scott, without which the part they took in their people's movement would no doubt have appeared totally different to the outside world, and particularly so to the co-religionists of their unfortunate victim. Last, but not least, the part played by the chief Canadian commissioner, Donald A. Smith, is brought out in all its exactitude; and one, in view of what has been written on the subject in certain quarters since, is not a little surprised to find that, after all, everything indicates that he and Riel in fact worked perfectly hand in hand. On the whole, the impression that the Métis leaders' letter leaves in the mind of its readers, if proper attention be given to the documentary notes, is that, with the exception of Scott's execution, which may well be regretted, however necessary it may have been deemed at the time, the disturbed situation was handled in a very orderly and systematic manner. The summary contained in this letter serves

also to show that Louis Riel, who was undoubtedly its author, was far from being the rude, selfish, uneducated man whom misinformed writers have made him out to be.

This document will be found in *Blue Book, 1874* (pp. 200, *et seq.*), and the translation which I now publish is my own. A foot-note in the copy of the *Blue Book* which I have, and which is in French, says: "The original of this document, written in French, has been lost, and, consequently, it had to be retranslated from a translation which had been made for the Privy Council." My own translation becomes, therefore, a translation of a re-translation.

A. H. DE TREMAUDAN

[Translation.]

To His Excellency, the Lieutenant-Governor of Manitoba, Excellency:—The Ottawa Government, by the line of conduct which it has maintained towards us, seems disposed to let fall on us the whole responsibility of the troubles which have taken place here in 1869-70. The truth is, however, that during this whole unhappy period of time, we have had to protect ourselves against continual aggressions.

The persons sent from Ottawa in the winter of 1869-70 to survey the road from Lake of the Woods, manifested, during their sojourn at Oak Point,<sup>1</sup> a violent hostility against the old inhabitants of Assiniboia. They went so far as to try to obtain possession of the best lands of the St. Albe colony<sup>2</sup> in adding them to an expanse of lands which they pretended to have purchased from the Indians. In order to dispose the Indians in their favour, at the beginning of their fight against us, they made an appeal to their worst instincts by selling them intoxicating beverages in contravention of the law.<sup>3</sup> The following summer, Stoughton Dennis presented himself amongst us to survey the colony's land, and effectively began his survey. The Company itself protested against those surveys,<sup>4</sup> and when Mr. Dennis began his operations on

<sup>1</sup>Headquarters of the Canadian government works in connection with the Lake of the Woods road (Begg, *Creation*, etc., p. 17).

<sup>2</sup>I have been unable to find even so much as a mention of this colony in any book or memoir, and none of the old-timers I have consulted has been able to enlighten me. Could it be a misprint for Ste. Anne?

<sup>3</sup>"Mr. Snow, in charge of the Canadian Survey party, was fined ten pounds, at the petty court, for having given liquor to those same Indians" (Begg, *Creation*, p. 17).

<sup>4</sup>"During the progress of negotiations, a formal complaint was made to the colonial secretary by the representatives of the Company, against the Canadian government, for undertaking the construction of a road between Lake of the Woods and the Red River Settlement, without having first obtained the consent of the Company" (quoted by Begg, *History*, Vol. I, p. 373, from the report of McDougall and Cartier, the delegates to England in 1868-9).



the lands of individuals the latter, relying on the rights which the law gave them, made remonstrances against those illegal encroachments and forbade entrance upon their lands.<sup>1</sup>

In the meantime it had been learnt that an unknown person was to arrive to be our Governor with a Council composed of persons as unknown as himself,<sup>2</sup> and that he was bringing with him, as part of his ordinary luggage, a large quantity of arms and ammunition.<sup>3</sup>

Several hundred men who had recently arrived in the country, partisans of Snow and Dennis, by whom most of them were employed, boasted that they had arrived before Mr. McDougall as his soldiers and that they were ready to support him by force of arms.<sup>4</sup>

These facts caused much alarm in the colony. A large portion of the settlers, having organized themselves into a "national committee", went to meet Mr. McDougall, and sent a dispatch by two messengers,<sup>5</sup>

<sup>1</sup>"On October 11, a party of men, headed by Louis Riel, interrupted the survey, and threatened violence if it was not stopped" (Begg, *History*, Vol. I, p. 376). See also Col. Dennis's report to the Hon. Wm. McDougall of October 11, 1869 (*Blue Book*, 1870, p. 7).

<sup>2</sup>In a correspondence from Pembina to the *Daily Press* of St. Paul of November 21, 1869, dated November 8, and signed "Spectator", the following amusing reference to Hon. Mr. McDougall's council is found: "Captain Cameron, one of the Governor's law manufacturers, a poor fellow who has almost lost his brains, proposes to place himself at the head of 400 Canadians (when they arrive) and to penetrate into the territory as far as Lake Winnipeg! If those 400 soldiers are as foolish as their prospective chief, they will not penetrate very far. Here are the names and official qualities of the expelled personages: His Excellency Wm. McDougall, Governor; A. N. Richards, Attorney-General and member of the Council; Capt. Cameron, member of the Council and Penetrator; Alexander Begg, Customs Collector; Col. Dennis, Survey-General; Dr. Jackes, Adviser and Pill Administrator; Frank McDougall (a son of the Governor); John Connor; J. F. Snow and other subalterns" (*Blue Book*, 1870, p. 76).

<sup>3</sup>"A rumour now reached the ears of the insurgents that Mr. McDougall, having brought with him a quantity of arms from Canada, intended running them into the settlement to be used by the Canadian party. . . . It was also an unfortunate circumstance that arms should be allowed to form part of Mr. McDougall's luggage" (Begg, *History*, etc., Vol. I, p. 390).

<sup>4</sup>"At this time, on account of the disgraceful conduct of the so-called Canadian party, there was little feeling in favour of Canadians generally throughout the Settlement; and the acts of Government officials, sent to the country ahead of Mr. McDougall, did not improve matters" (Begg, *Creation*, etc., p. 31). "Col. Dennis . . . despatched a portion of his employees in the direction of Portage la Prairie on the ostensible business of attending to their surveying operations; but, as it has since been ascertained, their real object was to act in concert with any other party in the settlement, should it be necessary to bring in Governor McDougall by force" (*Ibidem*, p. 42).

<sup>5</sup>The notice issued by the national committee of the Métis to the Hon. W. McDougall, forbidding him to enter the North-West Territories, bears date from St. Norbert, Red River, October 21, 1869, and reads as follows (translated from the French): "Sir:—The National Committee of the Métis of Red River orders Mr. W. McDougall

in which they told him not to enter the settlement without having come to an understanding with them. On receiving the dispatch, the future lieutenant-governor replied to the messengers in an insulting tone of contempt,<sup>1</sup> without trying to enquire into the causes of the dissatisfaction of such a large number of the inhabitants of the settlement which he was coming to govern. The following day<sup>2</sup> he entered the province, and started for Fort Garry with the aim of fixing his residence at the seat of the government. The so-called soldiers then took a very threatening attitude towards us. They talked of taking possession of Fort Garry.<sup>3</sup> That project, which we feared to see put into execution, suggested to us the idea of seizing the fort;<sup>4</sup> and we tried to keep Mr.

not to enter into the North-West Territories without a special permission from this Committee. By order of the President, John Bruce, LOUIS RIEL, Secretary" (Oliver, *The Canadian North West*, p. 880).

<sup>1</sup>Yet, according to McDougall himself, the Métis messengers "were very respectful in their manners" (*Blue Book*, 1870, p. 20).

<sup>2</sup>The Métis letter being dated October 21, it was necessarily after that date that the Hon. W. McDougall was warned. When the governor and council of Assiniboia met for the last time, October 30, 1869, they were still in ignorance of what had taken place at Pembina: "Under the impression that Mr. McDougall had in all probability reached Pembina, the Governor [rather the acting-governor, Judge John Black, the Governor, Mr. William MacTavish, being confined in his room by illness] believed that the time had fully come for entering into communication with Mr. McDougall on the subject" (Oliver, *Op. cit.*, p. 619).

<sup>3</sup>"It is quite well known that some (amongst them certain old pensioners from regiments formerly in the country) had expressed the opinion that such a movement as this would take place, and had offered to garrison the fort" (MacBeth, *Op. cit.*, p. 45). "Sergeant James Mulligan, chief of police [called by Col. Dennis, grand constable, *Blue Book*, 1870, p. 8], . . . urged Dr. Cowan to call out the 300 special constables, who had been enrolled in anticipation of trouble a few years earlier, and as many of the old pensioners as could be found, and place them as a garrison in Fort Garry" (Schofield, *The Story of Manitoba*, p. 235). But "it was not till after the Fort was in possession of the insurgents that Mulligan and Sergeant Powers made their appearance and expressed a desire to raise the British flag and protect it" (Begg, *Creation, etc.*, p. 74).

<sup>4</sup>There seems to exist some doubt about the date on which Riel took possession of Fort Garry. November 2 is the correct date. On that day Governor MacTavish wrote a letter to the London secretary of his company which he concluded as follows: "As I close this letter a party of one hundred of the malcontents have arrived and taken possession of Fort Garry" (Beckles Wilson, *Lord Strathcona*, p. 184). A few days later he wrote to McDougall: "On the afternoon of Tuesday the 2nd, a number of these daring people . . . took possession of the gates" (*Ibidem*, p. 185; *Blue Book*, 1870, p. 55). In his deposition before the select committee, Dr. Cowan, who was in charge of the fort, erroneously gives November 3 as the date on which the fort was seized (*Blue Book*, 1874, p. 128). Three letters to the *Daily Press* of St. Paul, two dated November 6 and one November 8, and signed respectively "Pemmican", "Pembina", and "Spectator", give the date as November 2 (*Blue Book*, 1870, pp. 75

McDougall at a distance, in order that his party, which was so hostile to our interests, could not, under the circumstances, become master of the government of our native land.

On November 16, twenty-four<sup>1</sup> delegates of the whole settlement gathered in the court-house<sup>2</sup> to deliberate and to take measures to give a better turn to the state of things, which was getting more and more complicated. The convention adjourned on November 17 in the evening in order to allow the courts to sit as usual. The adverse party was doing all in its power, meantime, to persuade Mr. McDougall to use

*et seq.*). From some of the men who entered the fort, among others, François Marion, now a resident of the Ste. Rose Municipality, who was the first man to get within the walls and afterwards, with Romain Nault, guarded the gate, while the others filed in, I have obtained the following information: François Marion went in first and waved his handkerchief to show that the fort was not occupied by Schultz or others. André Nault, with about twenty men, then went in and took possession of the fort. According to the late Joseph Riel and other old-timers on the Métis side, Governor MacTavish acted in collusion with the Métis. To Romain Nault, whom he noticed, one day, spying about the fort, he is reported to have said: "What is Louis Riel doing? Why does he not act?" And François Larocque, who died at Richer on May 19, 1923, deposed once that he acted as messenger between MacTavish and Riel, and, on November 2, took to the latter a letter from the former containing a suggestion to take the fort. Joseph Riel would add—and this is confirmed by the account of Begg and the testimonies of Governor MacTavish and Dr. Cowan—that MacTavish trusted the Métis who, he knew, were honest, while he distrusted the Canadians. "This man [O'Donohue], after the rebellion was crushed, being banished from the country, wrote the following letter to the speaker of the Dominion Parliament, on the 26th February, 1875. What gives point to his statements is the fact that he was private tutor to Governor MacTavish's children, and therefore intimate with him: 'I make the following statement of facts, which I can prove most conclusively: The insurrection was advised by Governor MacTavish, who, with other officers of the Hudson's Bay Company, also aided and abetted it from its inception up to the very hour it ceased to exist. That Riel was in constant communication with Governor MacTavish, and on many occasions under his instructions. That he, Governor MacTavish, fully recognized the Provisional Government. That Donald A. Smith, on arriving at Fort Garry, recognized the government also in my own hearing, and, with Governor MacTavish, was Riel's adviser during his stay at the Fort and after the departure of both of these from the country, Riel continued to hold counsel with John MacTavish, who then represented the Hudson's Bay Company'" (John Macoun, *Manitoba and the Great North-west*, Guelph, 1882, pp. 469 *et seq.*). If Riel acted sharply in taking possession of the fort, and whether or not he had received encouragement from those within to come to that decision, there is no reason to believe that, under the circumstances, he did not behave like a gentleman, for even his adversaries admitted that he was a well-bred man (see Butler, *The Great Lone Land*, p. 191).

<sup>1</sup>The names of the twenty-four delegates will be found in Begg, *Creation*, etc., p. 64.

<sup>2</sup>It was in that same court-house that on October 13, according to Joseph Riel, the first meeting of the "Comité National" was held following the stopping of the Canadian surveys on October 11.

his authority to proclaim the fall of the Company's government.<sup>1</sup> Mr. McDougall assumed that responsibility on December 1,<sup>2</sup> and on the same day as he threw the settlement into anarchy, he took upon himself the responsibility of declaring war upon us.<sup>3</sup>

You see that we were defending ourselves against the officers of the Canadian government. But, as we were attacked illegally, our defence was not a rebellion.<sup>4</sup> Sir John A. Macdonald, in a report of the Privy

<sup>1</sup>"The men who styled themselves 'Friends of Canada', Schultz, Snow, Mair & Co." (Begg, *Ibidem*, p. 83), formed the adverse party, and they kept writing letters to both Governor MacTavish and would-be Governor McDougall to issue "Proclamations", which seemed to be the mania of that troubled period.

<sup>2</sup>By his now famous proclamations of December 1 and 2 (Begg, *Creation*, etc., p. 113). "He appears to have had doubts regarding the propriety of the course he was pursuing, for he adds (in a letter to Mr. Howe, December 2nd): 'I hope I am right in using the name of Her Majesty as prominently as I have done'" (*Ibidem*, p. 108; Oliver, *Op. cit.*, p. 893 *et seq.*). Those proclamations, of course, were not approved by the Canadian authorities. "We looked upon the unfortunate proclamation of Mr. McDougall as having increased the danger of a collision" (Testimony of Sir John A. Macdonald, *Blue Book*, 1874, p. 102). "The government, however, had not approved his proclamation" (Sir George E. Cartier, *Commons Debates*, May 2, 1870). Above all, one should read in full the letter of the secretary of state, the Hon. Joseph Howe, to the Hon. Wm. McDougall, where the following words appear: "You have used the Queen's name without her authority, attributed to Her Majesty acts which she has not yet performed. . . . This government never claimed or pretended to exercise any authority within the North-West, until invested with the sovereignty by the terms of the Queen's Proclamation" (Oliver, *Op. cit.*, pp. 908 *et seq.*).

<sup>3</sup>There was actually a commission issued by McDougall on December 6 to Colonel John Stoughton Dennis appointing him his lieutenant and governor of the peace, authorizing and empowering him to raise, organise, arm, equip, and provision a sufficient force within the Territories, and with the said force to attack, arrest, disarm, or disperse Riel's men (Begg, *Creation*, etc., pp. 131 *et seq.*; Oliver, *Op. cit.*, pp. 896 *et seq.*). Dennis could not find enough men within the colony to form a sufficient force to meet that of the insurgents. "Col. Dennis, who made a trip down the Red River amongst the people, found that fifty men could not be collected for the purpose of bringing in Governor McDougall" (Begg, *Creation*, etc., p. 37), *à fortiori* to war against the Métis. He then went to the Sioux Indians in an effort to organize them, but, fortunately, without success. "A few days later that worthy soldier was found among the lodges of the Sioux Indians trying to array the chiefs into hostility against the insurgents . . . but Riel and his followers only laughed at the chief of the surveyors, who, disgusted and chagrined, left the territory" (G. M. Adam, *Macdonald*, p. 356). Dennis's actions drew from the Canadian government the remark that "the proceedings of Colonel Dennis, as reported by himself, are so reckless and extraordinary, that there can be no relief from solicitude here while an officer so imprudent is acting under your authority" (Howe to McDougall in Oliver, *Op. cit.*, p. 912).

<sup>4</sup>"A rebel is one who engages in an armed resistance to the government to which he owes allegiance" (*Encyclopædia Britannica*, 11th edit., vol. 22, p. 950). "The term 'Rebellion' is applied to an insurrection of large extent or long duration, and is usually a war between the legitimate government of a state and portions or parts of the same

Council, dated December 16, 1869, said to the governor-general that the resistance that we had made was directed neither against Her Majesty nor against the Hudson's Bay Company.<sup>1</sup> The moment that the existing government was abolished by Mr. McDougall's proclamation,<sup>2</sup> the urgent law of necessity forcing us to think of our own safety, we proclaimed, on December 8, the formation of a provisional government simply in order to protect our lives and our properties. On December 24, 1869, the secretary of state for the provinces declared officially to Mr. McDougall that our government (the proclamation having put aside Governor McTavish) was, in fact, the only govern-

who seek to overthrow the government, or to dissolve their allegiance to it and to set up one of their own" (*Amer. Engl. Encyc. of Law*, 2nd edit., vol. 123, p. 972). "Revolt, open resistance to the orders of legitimate authority" (*Dictionnaire Larousse*, Vol. VII, p. 189). "An uprising with force and arms against established authority" (*Americana*, Vol. XIII, Article "Rebellion"). "Open opposition to lawful authority" (*Chambers' Etymological Dict. of the Engl. Lang.*, 1895, p. 419). "It has also been said that Mr. Riel was only a rebel. How was it possible to use such language? What act of rebellion did he commit? Did he ever raise any other standard than the national flag? Did he ever proclaim any other authority than the sovereign authority of the Queen? No, never. His whole crime and the crime of his friends was that they wanted to be treated like British subjects and not to be bartered away like common cattle. If that be an act of rebellion, where is the one amongst us who, if he had happened to have been with them, would not have been rebels as they were?" (Laurier in Barthe, *Op. cit.*, p. 39). See also what Sir George E. Carter had to say on May 9, 1870; and what Sir John Macdonald says in the following note: "Of the existence of a 'rebellion' many people will remain well assured, notwithstanding all that has been and can be said. The foolish frenzy into which the Province of Ontario worked itself, while in absolute ignorance of all the facts, has left its drift of beliefs and prejudices, such as will require the lapse of another hundred years or so, wholly to remove" (Ewart, *Manitoba Schools*, p. 387). Yet "until July 15, 1870, the Canadian government had no more right to exercise jurisdiction at Red River than had the president of the United States. Let this clearly be borne in mind—there could by no possibility be a rebellion against Canada prior to July 15, 1870" (*Ibidem*, p. 316).

"The resistance of the Half-Breeds is evidently not against the sovereignty of Her Majesty or the Government of the Hudson's Bay Company, but to the assumption of the government by Canada" (*Correspondence relative to the Recent Disturbances in the Red River Settlement*, London, 1870, p. 53).

"How could a foreign power proclaim the fall of 'the existing government?'" Surely if Riel and his followers would not recognize McDougall as lieutenant-governor they likewise could not recognize any of his acts. What they say here is not what they mean. MacTavish and his council, by deciding to welcome the invaders, had actually ceased to act in the best interests of the people, and the surrender having been formally signed and sealed by the Company on November 19, the colony was in fact without a government. For these reasons Riel and his people were right in their belief that their government was the only government in the land. The result was the same, but, in my opinion at least, it must be considered as originating from a different motive than that expressed in Riel and Lépine's letter.

ment in the settlement.<sup>1</sup> Was not then the government legal? Sir John said, in the report already mentioned, that the government had a legal existence, in view of the circumstances which have given birth to it. Most certainly, for we had on our side the law of nations.<sup>2</sup> The Canadian commissioners, the Rev. Mr. Thibault and Colonel de Salaberry, who came into the settlement towards the end of December,<sup>3</sup> did not hesitate to recognize the provisional government. A numerous assembly of the inhabitants of the settlement took place in January, 1870,<sup>4</sup> at Fort Garry, for the purpose of taking knowledge of the mission of Mr. Donald A. Smith, a commissioner specially delegated by the Ottawa government. That large assembly decided to form itself into a convention composed of forty delegates,<sup>5</sup> for the purpose of examining more in detail the commission of Mr. Smith and to decide what should be done in the interest of the country. The convention discussed the conditions of our union with Canada.<sup>6</sup>

It received an invitation from the three commissioners (Messrs Thibault, de Salaberry, and Smith), in the name of Canada, to send a deputation to Ottawa. The invitation was accepted.<sup>7</sup> The convention

<sup>1</sup>"If you were invested with the legal title to govern without being able to get into Rupert's Land, or exercise any authority, the revolutionary government would be strengthened by your weakness, and would, in fact (the Proclamation having superseded Governor MacTavish), be the only Government in the Territory until put down by force of arms" (Oliver, *Op. cit.*, pp. 910 *et seq.*). But McDougall could not be invested with a legal title until July 15, 1870.

<sup>2</sup>Declaration of the people of Rupert's Land and the North-West (Begg, *Creation*, pp. 167 *et seq.*).

<sup>3</sup>"On December 25, 1869 . . . about the same time word was received of the expected arrival of Grand Vicar Thibault and Colonel de Salaberry, two commissioners appointed by the Government of Canada for the purpose of enquiring into the grievances of the people, and pacifying them, if possible" (Begg, *History*, etc., Vol. I, pp. 428 *et seq.*). Two days later a third commissioner, in the person of "Donald A. Smith, accompanied by Mr. Hardisty, of the Hudson's Bay Company's service, arrived quietly at Fort Garry" (*Ibidem*, p. 435).

<sup>4</sup>This meeting was held on January 19, and "fully one thousand persons assembled in the court-yard of the fort, representing all classes of the population" (*Ibidem*, p. 442).

<sup>5</sup>The list of the forty delegates who met in convention on January 25, 1870, will be found in Begg, *Op. cit.*, p. 449.

<sup>6</sup>"As soon as the last article [of the list of 19 or 20 rights] had been carried, Riel proposed that as they had fully discussed the terms upon which they would become a territory in the Dominion of Canada, the delegates should now consider the advantages of entering Confederation as a province. This question was accordingly fully debated upon during February 4, and resulted in the opinion of the Convention being in favour of becoming a territory" (*Ibidem*, p. 454).

<sup>7</sup>"The Bill of Rights was reviewed clause by clause by Mr. Smith, and his opinions taken upon the several articles contained in it. . . . This took up the whole of that day [February 8], and resulted in an invitation on the part of the three commissioners



then immediately confirmed, by a unanimous vote, in the name of the country, the provisional government which, up to that time, had been supported only by a portion of the citizens. Several of the English delegates at the convention voted thus on the advice of the late Mr. McTavish, whom they consulted and who counselled them, "for the sake of peace and order," to accept the government.<sup>1</sup> That public

that two or more delegates should be sent by the people of Red River to Canada to confer with the government at Ottawa as to the best plan to be pursued for the future government of the country" (Begg, *Creation*, etc., p. 267). This book of Mr. Begg was written as the events were taking place, and it may be surmised that those events were more correctly related in that work than they were in his later work, the *History of the North-West*, in which, in this particular instance, for example, he merely mentions commissioner Smith, besides introducing other differences of lesser importance. Having gone through the articles, Smith then spoke as follows: "I would beg to say that, although authorized, as commissioner, to act generally as might appear best in the state of affairs here, it was thought probable some points might arise with which I could not deal personally, and to meet this I was instructed by the Dominion government to invite a delegation of two or more of the residents of Red River to meet and confer with them at Ottawa. This I now do, and on the part of the government promise that the gentlemen sent to Canada will be cordially received." "The invitation to send delegates to Canada, thus opportunely extended to the Convention, was unanimously accepted, and a resolution to that effect, signed by Mr. Wm. Coldwell and Mr. Louis Schmidt, the secretaries [on the English and French sides respectively] was handed to Commissioner Smith on February 8" (Begg, *History*, etc., p. 459).

"Before the representatives took their departure for home, he [Riel] again brought up the subject of the provisional government, for the purpose of getting the English pledged to it until such time as their delegates to Ottawa could be heard from. The English, however, before coming to any conclusion on the matter, deemed it advisable to consult Governor MacTavish, and, on a Committee, consisting of Messrs. Sutherland and Fraser, visiting him for that purpose, he exclaimed on the question being put to him: 'Form a government for God's sake, and restore peace and order in the settlement.' . . . For peace sake, the English at last consented to the formation of the Provisional Government" (*Ibidem*, pp. 461 *et seq.*). "It is to be noted that when the proposal to constitute a Provisional Government was mooted in the Convention, a certain portion of the English deputies declined to take part in the proceedings until they had ascertained whether or no Governor MacTavish, the legal ruler of the territory, still considered himself vested with authority. A deputation was accordingly appointed to wait upon him in his sick chamber. . . . MacTavish promptly informed them that he considered his jurisdiction had been abolished by the proclamation of McDougall, that he was a 'dead man', and that they had therefore better construct a government of their own to maintain the peace of the country. Returning to their colleagues the deputation announced to the convention what Governor MacTavish had said, and as a result Riel and his colleagues were nominated to their respective offices" (Memorandum of Lord Dufferin quoted by Beckles Wilson, *Strathcona*, p. 189). The provisional government was then formed consisting of a Council of twenty-four members, twelve from the English and twelve from the French. Out of ten appointees to offices nearly all were English, as may be seen by the list furnished by Begg. Riel was elected president after a stormy discussion (Begg, *History*, etc., Vol. I, p. 462). The president was in addition to the Council of twenty-four.

decision was opposed by several citizens.<sup>1</sup> They interpreted wrongly the desires of the convention, and seven or eight hundred armed persons gathered at Kildonan<sup>2</sup> to upset it, and held an assembly formed of Indians and whites, where much disorder took place. Schultz was there with all his influence. Parisien, one of the partisans, whom we had made a prisoner,<sup>3</sup> escaped from our hands and rejoined his party, who made him a prisoner at Kildonan. Parisien killed a man<sup>4</sup> in trying to escape. His own people in turn mercilessly ill-treated him.<sup>5</sup> The following day forty-eight men of that bloody band were passing near Winnipeg disguised as soldiers. They were arrested by the soldiers of the provisional government, to whom they unconditionally surrendered their arms.<sup>6</sup>

<sup>1</sup>The uprisings of Kildonan and Portage la Prairie. Such was the beginning of the main troubles in the Red River colony, although it may be seen by what precedes that everything had been done and conducted in a very orderly and proper manner, even at the suggestion or at least under the direct supervision of the Canadian Commissioners. "Concurrently with the adjournment of the Convention nearly all the remaining prisoners [taken in the Schultz fort] were released . . . and in all probability there would have been a general gaol delivery had not some developments taken place outside" (MacBeth, *Op. cit.*, pp. 73 *et seq.*).

<sup>2</sup>Being joined there by those from Portage la Prairie. "Another warlike expedition began up the Assiniboine River, in Portage la Prairie, High Bluff, Poplar Point, White Horse Plains and Headingly, and a body of men, numbering seventy-five or eighty, poorly enough armed, started on the march, intending to rendezvous at Kildonan and enlist the settlers along the Red River in the movement" (*Ibidem*, p. 74). "At last it was said that between six and seven hundred men were gathered together around the Scotch church, and that their intention was to make a descent on Fort Garry . . ." (Begg, *Creation*, etc., pp. 277 *et seq.*).

<sup>3</sup>Both sides seem to have considered this man a spy of the opposite party. Full particulars of the unfortunate events referred to here may be read in *Ibidem*, pp. 284 *et seq.*, MacBeth, *Op. cit.*, pp. 76 *et seq.*, Schofield, *Op. cit.*, pp. 220 *et seq.*

<sup>4</sup>John Hugh Sutherland, son of the late Senator Sutherland.

<sup>5</sup>So much so that, according to Schofield, *Op. cit.*, p. 271, he died of the wounds he received. "On the way [as a prisoner being taken to Lower Fort Garry] he made another attempt to escape; but the guard fired on him, and he was so severely wounded that he was easily recaptured. Parisien died of his wounds early in April." This is confirmed by Begg, *Creation*, etc., p. 285: "Parisien . . . darted into the woods, but was soon afterwards overtaken, and, in the struggle that ensued, he received injuries from which he died some days afterwards." Yet MacBeth, *Op. cit.*, p. 77, writes: ". . . the desperate spy, narrowly escaping lynching, lingered on to die from natural causes a few months afterwards."

<sup>6</sup>All writers seem to agree on this, although the impression is given by the English versions that the forty-eight men were marched to the fort on the pretext of a parley with Riel. Begg, *Creation*, etc., p. 290, concludes the chapter in which the taking of the prisoners is related by the following words: "This ended this mad-like expedition from the Portage; the immediate results of which were the loss of two lives and the capture by the French of forty-eight prisoners." Sir John Macdonald did not hesitate,

The officer who commanded the company was condemned to death, and he would have been executed if Mr. Smith had not interceded for him and obtained his pardon, on condition that he himself would visit the English parishes, and that he would use his influence to restore order.<sup>1</sup>

Mr. Smith having obtained the goodwill and the support of the English population in favour of the provisional government,<sup>2</sup> we were thinking of accomplishing the important work of the delegation that we had decided to send to Ottawa to come to terms with the ministry with regard to our entry into the Confederation, when we saw another conspiracy break out. This had the result of preventing the delegates from leaving,<sup>3</sup> of stirring up the population of Ontario against us,<sup>4</sup>

at the time, to stamp the action of the Portage men as both "foolish" and "criminal": "The foolish and criminal attempt of Boulton and Scott to renew the fight has added greatly to Riel's strength" (Letter to Rose, quoted by Beckles Wilson, *Strathcona*, p. 290).

<sup>1</sup>Major C. A. Boulton was the officer. "He [Riel] also promised to set Major Boulton free, if Mr. Smith would go among the English settlers and persuade them to send their delegates to his Council once more" (Schofield, *Op. cit.*, p. 272). See also Smith's own report (Oliver, *Op. cit.*, p. 929). There exists, however, another version: "It has not been generally known, but the fact is that Boulton's life was finally spared at the intercession of Mr. (now Senator) Sutherland and Mrs. Sutherland of Kildonan, who had known Riel from his childhood, and who had come almost direct from the grave of their slain son to plead for the life of the condemned man. Riel was by no means without heart, and when he saw the earnestness as well as the grief of the parents, who had been so recently bereaved, but who in their sorrow were thinking of others, he said, placing his hand upon the shoulder of the mother: 'It is enough—he ought to die, but I will give you his life for the life of the son you have lost through these troubles'" (MacBeth, *Op. cit.*, p. 80). This last version is the one current among the Métis to this day.

<sup>2</sup>"Archdeacon McLean having kindly offered to accompany me, we visited the different parts of the settlement. . . . I explained to all, that the Council was to be Provisional, in the strictest sense of the word, intended expressly for effecting the transference of the country to Canada, and for ensuring safety of life and property in the meantime" (Smith's report in Oliver, *Op. cit.*, p. 930).

<sup>3</sup>"During all this time the commissioners were remaining idle, their hands being completely tied, and little hope of their mission resulting in any good. . . . Every one felt it important that delegates should be sent to negotiate with the Dominion . . . Riel still insisted upon the Provisional Government plan, and at last it was deemed best for all parties to agree to it . . . Mr. D. A. Smith then consented to act as pacificator . . . through his exertions, the English settlers agreed to send councillors to take part in the Provisional Government . . . the whole settlement agreed to join in the government as agreed upon at the last convention. At the same time Judge Black [known as the most important figure of the colony after Governor MacTavish] was pressed by the people to go to Canada as a delegate . . ." (Begg, *Creation*, etc., p. 297).

<sup>4</sup>Dr. Schultz was in Ontario: the regrettable action of the provisional government in shooting Scott was soon to give him a splendid pretext to arouse and inflame the passions of that province.

and of hindering us from coming to an understanding with the Canadian government.<sup>1</sup>

Such were the feelings which animated, in this circumstance, the chief agents of all our troubles; they exerted all possible efforts to succeed. The result was that the inhabitants of Portage la Prairie wrote, shortly after, to the president of the provisional government to inform him that they had indeed all consented to the request of the Canadian commissioner, Mr. Smith, that they should recognize the provisional government, but that they did so in order to fulfil the conditions required if the life of Boulton was to be spared, and that they were only waiting for a chance to withdraw from the authority of the provisional government.<sup>2</sup>

The Indians of the whole country—those who were below Stone Fort<sup>3</sup> and those who were at the Portage<sup>4</sup> seemed to be the most excited

<sup>1</sup>Dr. Schultz and his followers—several of whom had remained behind him—viewed with dislike the organization of the North West into a province, instead of being simply annexed to Canada. It would be more difficult for them to retain the lands which they had surveyed and apportioned to themselves with a government responsible, on the spot, to the local people, than with an administration accountable only to a distant parliament of which they were, or expected to be, the creatures, and in which the people of the annexed territory would have no representation.

<sup>2</sup>Can anything more absurd be imagined? Yet, they were the people with whom Donald A. Smith sympathized! See his report: "My sympathies were, in a great measure, with the Portage men, whom I believe to have been actuated by the best of motives . . . Success . . . might . . . have been gained . . . but for the rising in February, which, though rash and productive of results the most unfortunate [the chief of which, the execution of Scott, which must be attributed directly to the rising with which Smith sympathized so much], I can hardly blame, knowing, as already stated, that those who took part in it were actuated and impelled by generous motives." Only a few lines before, Smith had written: "Had these men, properly armed and organized, been prepared to support the well-affected French party, when the latter took action about the middle of January, or even in the beginning of February, during the sitting of the Convention, order might have been restored, and the transfer to Canada provided for without the necessity of firing a single shot; but now, the rising was not only rash, but purposeless . . ." (Oliver, *Op. cit.*, pp. 928 and 934).

<sup>3</sup>The Sauteux, of whom Henry Prince, their chief, was elected English delegate for St. Peter's to the first convention of November 16, 1869. They formed the usual defence of Stone Fort or Lower Fort Garry. "They [the Métis on February 22, 1870] went as far as Stone Fort, which they searched throughout nearly every nook and corner for the man [Dr. Schultz] they wished to find. Henry Prince and his Indians had left the Fort some time previous; and, therefore, there was no resistance to the entrance of Riel and his band" (Begg, *Creation*, etc., p. 296.)

<sup>4</sup>"Stories arising in connection with the late Portage party, regarding Indians, were now freely circulated to the effect that they intended to make a descent upon the settlement; and, in consequence, a party of men were stationed at Lane's Fort on the Assiniboine River by Riel, in order to afford protection to the inhabitants in the neighbourhood" (Begg, *Creation*, etc., p. 298). This was about February 25, and it seems the rumour or danger continued for some time, as in his speech of March 9 Riel thus

—seemed to be disposed to threaten the country with one of their attacks. Even the prisoners, detained in Fort Garry, having had knowledge of those outside plots and being encouraged by them, resorted to acts of extreme violence. Several amongst them, notably M. McLeod and T. Scott,<sup>1</sup> set upon their guards, even hit them, and counselled their prison companions to imitate them.

Seeing that a terrible punishment, long since deserved, could alone restrain those excited men, and that we were forced to avoid evils with which we were threatened by the inhabitants of the Portage who were conspiring with the Indians—in a word to assure the triumph of peace and order, which it was our duty to establish in the whole settlement, we had recourse to the full authority of the government.

Consider the circumstances, weigh the motives; if there have been one act of rigour, the long moderation of our conduct which authorizes us to say that, during all our troubles of 1869-70, we have endeavoured to disarm rather than fight the foreign outlaws who were waging war on us, must not be lost sight of.<sup>2</sup>

We succeeded in re-establishing tranquillity.<sup>3</sup> We availed ourselves referred to it: "These rumours cause fear all the time at the White Horse Plains . . . There is a want of assurance among our people which has led to a guard being stationed in that quarter" (*Ibidem*, p. 311).

<sup>1</sup>M. McLeod and Thomas Scott were among the Portage prisoners.

<sup>2</sup>No doubt both Riel and Lépine, as well as their followers and advisers, meant well in executing Thomas Scott. It was, nevertheless, a grave error to resort to such an extreme measure, which well-organized communities themselves always hesitate to employ except in cases of absolute necessity. Had Riel and Lépine avoided the shedding of blood, they would have been proclaimed big men by all, instead of having to be defended even against unjustifiable misrepresentations after all these years. It seems that with one excessive act they have blotted away everything else they have done, however good and meritorious it be. Of course, considerably too much capital has been made of an incident, no doubt regrettable, but the like of which are found, and in much greater number, in every similar commotion. "Had they kept their hands free from blood they might have remained to see the fruits of their labours. But having allowed passion to overrule their judgment, they suffered the consequences, and had to seek safety in flight" (*Ibidem*, p. 391). The question remains: Under the same circumstances, what would others, even we, have done? Probably ten times worse than what Riel and Lépine did. How did the soldiers of Wolseley behave themselves? How many more crimes were committed by the party opposed to Riel, or can be traced directly to its doors? What of Sutherland, Parisien, Goulet, Tanner, Letendre, William Hallett, Baptiste Lépine, Jolibois, etc.? "Taken all in all, I would regard the events at Red River in 1869-70 as constituting a glorious page in our history, if unfortunately they had not been stained with the blood of Thomas Scott. But such is the state of human nature and of all that is human: good and evil are constantly intermingled. The most glorious cause is not free from impurity and the vilest may have its noble side" (Laurier in Barthe, *Op. cit.*, p. 40).

<sup>3</sup>It is a fact that after the execution of Scott quiet reigned again in the settlement.

of it to hasten the departure of our delegates, who went immediately to Ottawa.<sup>1</sup>

Schultz, Mair, Lynch, and others have, of course, made political capital of the event which took place here on March 4,<sup>2</sup> for the purpose of raising the agitation which they wanted to stir up in their favour and against the delegates of the North West, but they were powerless to attain that result. In putting an end to our intestine quarrels, as we had finally succeeded in doing, the provisional government became master of the situation here, and was consequently the only one which could send delegates to Ottawa.

Lynch and others<sup>3</sup> tried, in spite of this, to have themselves accepted as the true and only delegates of the North West. Their attempts failed. The Canadian government received our delegates officially. Sir John and Sir George, having been named to that end by the Canadian government, treated with Mr. Black, the Rev. Mr. Ritchot, and Mr. Alfred Scott, who had received from the provisional government their appointments and commissions as delegates.

The list of rights<sup>4</sup> comprised twenty different clauses; the nineteenth reads thus:

"That all debts contracted by the provisional government of the North West, in consequence of the illegal and inconsiderate measures adopted by the Canadian government to throw us into a civil war, should be paid in full by the Canadian treasury and that none of the members of the provisional government, or any person acting under its orders, must be in any way molested or have to answer for having taken part in the movement, or for any matter which could have led to the present negotiations."

"The settlement, from a state of extreme excitement, suddenly seemed to have dropped into one of thorough tranquillity" (Pegg, *Creation*, etc., p. 322).

<sup>1</sup>The Rev. Mr. Ritchot and Alfred H. Scott left on March 23 in company with Colonel de Salaberry, and Judge Black started the next day with Major Boulton (*Ibidem*, p. 322).

<sup>2</sup>The shooting of Thomas Scott.

<sup>3</sup>Dr. Schultz, Colonel Boulton, Charles Mair, Wm. Drever, and other refugees from Red River (Schofield, *Op. cit.*, p. 264).

<sup>4</sup>According to Dom Benoit, *Vie de Mgr. Taché*, Vol. II, p. 66, the list of rights handed to Fr. Ritchot and which he gives in extenso in his work (pp. 67 *et seq.*), for reasons which seem conclusive, is the official list. It differs in three main respects from the one found in Oliver, *Op. cit.*, pp. 915 *et seq.* The chief differences are in clauses 7 and 17: Clause 7 is totally different, dealing with Separate Schools instead of money grants; clause 17 is formed only of the last paragraph providing that the lieutenant-governor should be familiar with both the French and the English languages. (See also Schofield, *Op. cit.*, p. 284).



This condition had been set by our delegates as a *sine quâ non*.<sup>1</sup> Sir John and Sir George accepted it, but our delegates asked for guarantees. The two ministers replied that the condition was effectively guaranteed by the fact that a friendly arrangement existed between Canada and the North West. The delegates replied that they, in spite of this, must have indisputable proofs on this point, in order to satisfy those whose interests they must protect; thereupon Sir John and Sir George did not hesitate to declare that they were in a position on this point to satisfy the delegates.<sup>2</sup>

They then busied themselves with elaborating the Manitoba Act. Our delegates insisted, before its presentation, on obtaining in the Act the guarantee stipulated in the nineteenth clause.<sup>3</sup> They referred the matter to the governor-general who assured them that the delegates would be satisfied in their demands as soon as the two chambers had adopted the Manitoba Act.<sup>4</sup>

Sir Clinton Murdock, the special delegate of Her Majesty the Queen, trusted with watching arrangements with the Canadian government, also assured the delegates that they would be fully satisfied.<sup>5</sup> When the Bill was sanctioned by the two chambers, our delegates called the

<sup>1</sup>According to Begg, *Creation*, etc., pp. 323 *et seq.*, the instructions are contained in the letter handed to each delegate, which reads in part: "You will please observe that with regards to the articles numbered 1, 2, 3, 4, 6, 7, 15, 17, 19 and 20, you are left at liberty, in concert with your fellow-commissioners, to exercise your discretion. . . . With reference to the remaining articles, I am directed to inform you that they are peremptory . . . THOMAS BUNN, Secretary of State, March 22, 1870." However, Dugas, *Mouv.*, etc., p. 181, in quoting the same letter leaves out articles 17 and 19, which would make them also peremptory. Fr. Ritchot, one of the delegates, in his examination relative to the troubles, in 1874 deposed: "I pointed out [to the federal ministers] that a general amnesty was the *sine qua non* condition of an arrangement" (*Blue Book*, 1874, p. 70). The amnesty was the big question, and it is not likely that its settlement would have been left to the discretion of the delegates.

<sup>2</sup>"In answer to my questions the ministers [Sir John Macdonald and Sir George Cartier] said that they were in a position to assure me that an amnesty would be granted as soon as the Manitoba Act would be adopted" (Testimony of Fr. Ritchot, *Blue Book*, 1874, p. 71).

<sup>3</sup>"I asked that that clause [the 19th] be incorporated in the Act, but I was told that the thing was not opportune, as the Bill was a matter of legislation in the jurisdiction of the House, while the amnesty was a matter of administration. I asked an assurance in writing; but they replied that it was not necessary and that their word might be relied upon. They also said that there would be no difficulty about the amnesty and that it was a matter that the Crown would settle" (*Ibidem*, p. 71).

<sup>4</sup>Nowhere have I been able to find anything to confirm this. According to Fr. Ritchot's testimony, the delegates did not interview the governor-general alone until May 19, four days after the adoption of the Manitoba Act.

<sup>5</sup>*Ibidem*, pp. 71 *et seq.*

attention of the Canadian government to the fact that it was time that they should be given a guarantee about the nineteenth clause. The governor-general, while realizing the anxiety of the inhabitants of the North West during all that time, entreated the delegates to hasten their return amongst them, in order to explain to them as soon as possible the arrangements that they had made with the Canadian government, and, at the same time, gave the assurance to the delegates that the government would take measures, before their arrival in the North West, to send them the guarantee that no one would be molested or held responsible for anything that had happened during the recent troubles.<sup>1</sup>

The delegates, although satisfied with the reiterated and positive promises of personages occupying such high positions, expressed, however, the fear that the population would not be satisfied, and they consulted Sir Clinton Murdock on that point.<sup>2</sup> Her Majesty's commissioner affirmed that the delegates and the inhabitants of the North West should be satisfied with regard to that arrangement, as with regard to all the rest.

In order to complete those arrangements, the delegates asked the ministers authorized to negotiate with them whether Canada would appoint someone to administer the affairs of the North West after the transfer and before the arrival of the lieutenant-governor. The ministers replied definitely: "No, let Riel and his Council continue to maintain order and peace until the arrival of the lieutenant-governor."<sup>3</sup>

The delegates returned to Fort Garry on June 17, 1870.<sup>4</sup> They

<sup>1</sup>*Ibidem*, p. 73.

<sup>2</sup>Fr. Ritchot in his testimony relates only the interview with Sir Clinton Murdock.

<sup>3</sup>"I had some conversation with Sir George Cartier in the presence of Mr. Scott about what I should do in arriving in Manitoba. I do not remember whether or not Sir John Macdonald was present. That happened when we were discussing the Manitoba Bill. I then asked Sir George, who was to govern the country pending the arrival of the Lieutenant-Governor, and whether some one should be chosen. He replied: 'No, Mr. Riel will continue to maintain order and govern the country as he has done so far.' He asked me whether I thought Riel was powerful enough to maintain order. I answered affirmatively. 'Then,' replied Sir George, 'let him continue until the Governor arrives'" (*Ibidem*, pp. 76 et seq.).

<sup>4</sup>Fr. Ritchot alone returned that day. "Soon after his arrival a salute of twenty-one guns was fired from the walls of Fort Garry" (Begg, *Creation*, etc., p. 383). Alfred H. Scott did not return until July 8, "but no demonstration was made in recognition of his position as a delegate, other than a notice which appeared in the *New Nation*" (*Ibidem*, p. 382). Judge Black had gone to Scotland, and did not return to Red River. Neither Scott nor Judge Black testified before the North West Committee: "Of the three delegates Fr. Ritchot is the only one to have testified. Judge Black left to go to reside in Europe immediately after the closing of the negotiations, and Alfred Scott is now deceased" (*Blue Book*, 1875, p. 19).

made their official report to the representatives of the whole settlement on June 24. The latter unanimously ratified in the chamber the work of the delegates,<sup>1</sup> and the provisional government informed the honourable secretary of state for the provinces that the population of the country, through its representatives, consented to enter the Canadian Confederation.

The dispatch was placed in the hands of his Lordship the Bishop of St. Boniface, who had worked with so much zeal for the reconciliation of the two countries. His Lordship himself went to deliver that dispatch to the Canadian government, and we had the assurance that the arrangements would be accomplished as concluded.<sup>2</sup> We continued to devote ourselves to the maintenance of peace and order until July 15, 1870,<sup>3</sup> and, following the transfer of this country, until the arrival of the troops, on August 24, in order to prevent confusion and anarchy, conformably to the desire expressed by the ministers at the end of the arrangements taken with the delegates.

We remained in Fort Garry, exercising the authority that the population had already entrusted to us, waiting to draw aside the moment a competent authority came into our midst to assume the functions of the government.<sup>4</sup>

Instead of treating us like friends, to which treatment we were entitled by the law of nations, Wolseley entered the province as an enemy,<sup>5</sup> and in return for the care that we had taken of the province and the North West territory, from the time of the transfer, he gave up to plunder everything in the fort which belonged to us.<sup>6</sup>

<sup>1</sup>"On the 24th [June], a special session of the Legislative Assembly was held, to hear his [Fr. Ritchot's] report, which resulted in the terms offered by Canada, in the Manitoba Act, being accepted on behalf of the people" (Begg, *Creation*, etc., p. 379). "The president, Mr. Riel, then asked what action the assembly proposed to take in view of the report made by Fr. Ritchot and the information regarding the Manitoba Act previously possessed by the members. On motion of Messrs. Schmidt and Poitras the Assembly resolved to accept the Manitoba Act and to enter Confederation on the terms contained in it" (Schofield, *Op. cit.*, p. 286).

<sup>2</sup>I have been unable to find confirmation of the facts alleged following note<sup>1</sup>.

<sup>3</sup>Date of the promulgation of the Manitoba Act. "July 15 ought to be celebrated as the anniversary of the day on which the colony . . . became a province of the Dominion . . ." (Schofield, *Op. cit.*, p. 287). Yes, and the name of Louis Riel should be unhesitatingly, yea proudly, coupled with such a celebration.

<sup>4</sup>See Riel's version of Wolseley's arrival in the June, 1924, number of this REVIEW.

<sup>5</sup>Yet Riel had helped him to print and circulate his proclamation. "On 20 July, Captain Butler arrived in the settlement, being the bearer of the following proclamation [of Colonel Wolseley], the printing and circulation of which was superintended by Riel" (Begg, *History*, etc., Vol. I, p. 487).

<sup>6</sup>"The men of the 60th, in the meantime, thinking that everything inside the fort came under the head of spoils of war, began a regular pillage on the stores of the Hudson's

He hastened to throw into gaol respectable citizens,<sup>1</sup> and he permitted his soldiers to ill-treat them.<sup>2</sup> The commandant of the expedition (of peace and civilization), in leaving for Canada, publicly described as bandits<sup>3</sup> the political friends of the president of the provisional government, with whom the Canadian government had entered into negotiations—and that government which had only existed for the maintenance of order and peace in spite of exceptional difficulties.

Wolseley revived, in this manner, in our midst, the unfortunate animosities which had begun to disappear a few months before, which our friendly entente with Canada helped very much to lessen, and which the Canadian government itself, by means of its faithful execution of its arrangements with us, would not have failed to lessen still more.

The conduct of Wolseley has been a real calamity.<sup>4</sup> It has produced its victims. One of our compatriots, very much esteemed because of his public services, and who, on two or three critical occasions, had prevented the Indians from committing hostile acts against the whites, was Elzéar Goulet.<sup>5</sup> He, relying on our entente with Canada in spite of the unfortunate arrival of Wolseley, goes one day to Winnipeg. There, in broad daylight, in the heart of the town, he is attacked by four men who set upon him. In vain Goulet asks for protection. The four men pursue and kill him. Two of them were soldiers, and they have not been in the least disturbed because of their conduct. The other two continued to show themselves in the town, and they have

Bay Company; and it was only when they learned that they were attacking private property that they desisted" (Begg, *Creation*, etc., p. 391).

<sup>1</sup>F. X. Dauphinais, later Senator Dauphinais, and another were lodged in gaol for a day, according to personal information given me by Paul Proulx.

<sup>2</sup>"Numerous were the criminal attempts against the leaders of the Métis movement, against peaceful inhabitants of the settlement and against women and children themselves" (Métis correspondence, *Le Manitoba*, June 25, 1915). I have it from the Métis old-timers that women and girls would be forced to undress to the skin and dance naked. Are my readers inclined to believe those reports are exaggerated and all one-sided? Let them read the following in an author who cannot be suspected of much sympathy for the Métis cause: "A wild scene of drunkenness and debauchery amongst the voyageurs followed the arrival of the troops in Winnipeg. . . . Men who had been forced to fly from the settlement during the reign of the rebel government now returned to their homes, and for some time it seemed probable that the sudden revulsion of feeling, unstrained by the presence of a civil power, would lead to excesses against the late ruling faction" (Butler, *Op. cit.*, pp. 192 *et seq.*).

<sup>3</sup>*Supra* page 153, note 5.

<sup>4</sup>Yet it was to be a mission of peace.

<sup>5</sup>Collector of Customs, father of Public School Inspector Roger Goulet, one of the most respected citizens of St. Boniface. A very touching story is told by the Métis old-timers, confirmed by Mr. Goulet himself, that when the body of her murdered husband was brought home, Mrs. Goulet made her children kneel by the bed on which

remained there with impunity under the very eyes of the authorities of the Portage.<sup>1</sup>

Tanner has also been killed by men who shared the sentiments of Wolseley.<sup>2</sup> This murder has also remained unpunished.

lay the corpse and pray for his murderers. For particulars of this revolting crime, see the following note.

<sup>1</sup>Misprint for "Province" (Begg, *History*, etc., Vol. II, pp. 30 *et seq.*) gives the following account of this hideous murder: "... a good deal of ill-feeling on the part of Canadian residents was shown toward the French, which on several occasions broke out into open hostility, and on one occasion a man named Goulet, who had been one of Riel's councillors and a member of the Court-Martial which condemned Scott to be shot, appeared on the streets of Winnipeg. This was a signal for several who had been prisoners to chase the Frenchman out of town, and in a short time a large number took part in the disturbance, among whom were some volunteers from the Ontario Battalion. Goulet ran for the river and jumped in, but being struck by one of the missiles thrown at him, sank and was drowned, and although an investigation into the circumstances of the case was held, nothing was done at the time [nor later] to punish those connected with it." MacBeth (*Op. cit.*, p. 90) is of the opinion that Goulet was scared beyond reason: "In one case a French half-breed, who had hot words with some of them in a saloon, was chased by an excited crowd to the river, and was there drowned in efforts to escape from them, though it was not likely they would have done him any serious injury." But, Mr. MacBeth, what about the missiles which made him sink? As a matter of fact, the incident was a most criminal one, as may be judged from the account, dated September 27, 1870, which Governor Archibald received from the commissioner whom he had appointed to investigate the matter, H. J. G. McConville, before Robert MacBeth [the author's father] and Solomon [late Senator] Hamelin, justices of the peace. According to this report, the commissioner "asked that warrants of arrest be issued against the parties—that is to say, against two for having feloniously caused the death of the deceased, and another warrant against a third party as having incited others, etc." Although the inciter, the foremost pursuer, a civilian from Upper Canada, and another, a soldier, at least were known, the justices, after a number of conferences, could not agree on the issue of the warrants. Finally a warrant was issued against the civilian from Upper Canada (*Sess. Papers*, 20, Vol. IV, No. 5, 1871, p. 33), but by and by the whole matter was allowed to fizzle out. "It was felt, however, that to make an arrest in the excited state of the public feeling would have precipitated a conflict between the two nationalities and religions far more disastrous than that of the preceding winter. It was, therefore, deemed expedient to defer action in the matter until popular feeling had quieted down" (Hill, *History*, etc., p. 328). "Which is to say, that 'popular feeling' would be less affected by the murder of a Métis by a Canadian than by the arrest of the murderers" (Ewart, *Op. cit.*, p. 382). Elzéar Goulet was suspected of having commanded the firing squad which had executed Scott: "A firing party of six of Riel's followers, under command of one Goulet, were drawn up with muskets levelled" (Huyshe, *Red River*, p. 107). Not Elzéar Goulet but André Nault, who died recently at St. Vital, was in command of the squad. The news of Goulet's murder was well received in the East. The *Daily Telegraph* of Toronto published the despatch with the caption: "A miscreant disposed of."

<sup>2</sup>James Tanner was the grandson of a Baptist minister whose father, when a boy, had been stolen by Indians, brought up amongst them, and married to a woman of the tribe. He had the reputation of being very vacillating in his religious beliefs, having

The inhabitants of the settlement in general have been attacked, as well as their properties, by the majority of the immigrants and by a considerable number of soldiers.<sup>1</sup> And Canadian authorities allow us to be crushed thus.

And it is in this manner that they expect to heal the wounds caused by the troubles of 1869-70, troubles that Lord Granville, in his dispatch to the governor-general dated November 30, 1869, said had been caused by the conduct of the Canadian government.<sup>2</sup>

Since August 24, 1870,<sup>3</sup> we have been cajoled by the Ottawa government which has left us without protection and then has spoiled us of our liberty.<sup>4</sup> Home and happiness have become impossible; our lives have continually been in danger. Why does the Canadian government defer, to the detriment of all that is dear to everyone, the fulfilment of the promises it has made to us? The government at Ottawa, in the face of the world, cannot prevent the inauguration of the great principle of liberty consecrated by its agreement with us and by the Manitoba Act so nobly adopted by the two chambers; but it has been careful to neglect everything else, and, day after day, the federal government has exercised its influence in order to prevent the local government from fulfilling its duty towards us, and, what is more, the fundamental principle of our constitution has been violated.<sup>5</sup>

The representative of the electoral division of St. Vital has resigned his seat in the local house voluntarily; and, after he had conformed with the necessary legal formalities, his electors accept his resignation and applaud it. What is the conduct of the authorities? They have already declared that they refuse to accept Mr. Beauchemin's resignation.<sup>6</sup> And against whom are these arbitrary acts directed? Against those who, since August 24, 1870, have really preserved the peace of the

been alternately a Catholic, a Methodist, a Presbyterian, and a Baptist, yet he had, in the words of Governor Archibald, "the character of an upright man," and was "a good member of society." He was one of the best speakers of the Cree language in the Territories. Tanner was killed, following a political meeting at which he had spoken. Governor Archibald, in his report to the secretary of state for the provinces, wrote: "The truth as to who are the guilty parties will soon leak out" (*Sess. Papers*, 20, Vol. IV, No. 5, p. 55). But, as in the case of Goulet, nothing further was done.

<sup>1</sup>*Supra* page 154, note 2.

<sup>2</sup>Despatch of Lord Granville to the governor-general, November 30, 1869 (Ewart, *Op. cit.*, p. 324).

<sup>3</sup>Date of arrival of the Wolseley expedition.

<sup>4</sup>By inducing them to cross the lines against payment of \$1,600 each.

<sup>5</sup>By the non-observance of the conditions laid down in clause 19 of the Bill of Rights taken by the delegates to Ottawa.

<sup>6</sup>André Beauchemin, elected for St. Vital to the first Legislature of Manitoba, December 30, 1870.



country, by their respect for authority, by their moderation and by their patience in submitting themselves to the oppression which they endure. For, if the Métis had used their right to defend themselves when they were unjustly attacked and when the law left them without protection, where would the province be?<sup>1</sup> Not only has our conduct been consistent with our arrangements with Canada, but, what is more, we have been loyal and devoted to the Queen.<sup>2</sup> In the fall of 1871, on the sole appeal of the lieutenant-governor, we have all met to march against the Fenians at Pembina, while we were considered in Canada as a population of brigands, so much so that Governor Archibald, knowing the danger to which we were exposed, was forced, in order to encourage us to help gather the population, to assure us that he would employ his personal authority to protect us so long as the province was threatened by the Fenians. We united our people, not without difficulty,<sup>3</sup> by trying to make them forget the just reason of their indignation. We served the public cause, the cause of the government. Did the government remember our services? On the contrary, one might believe that the government was angry with us. Has it not made it a crime for Mr. Archibald to have pressed our hands?<sup>4</sup> What is more, the government had not come to his help to defend his conduct before public opinion. It has not seized the occasion to render justice to us or to cause justice to be rendered to others; it has even rejected us and abandoned us to the fury of our enemies. On December 8 following, a band of fifteen men go to St. Vital; they enter as brigands the house of Mrs. Riel, saying that they come in the name of the Queen with a summons against Louis Riel, for whom they search everywhere, arms in hand, upsetting everything in the house, insulting, outraging, and criminally threatening with their fire-arms the women of the house. To this day those miscreants have not only been spared, but protected.<sup>5</sup>

<sup>1</sup>"Without those arrangements made at Ottawa in April and May, 1870, there would not have been in the world a corner called the province of Manitoba; there would not be in our midst an Executive Council whose members are 'State Ministers' of Manitoba; we would not know an Assembly nor a Legislative Council of Manitoba. Outside of the instructions given to the delegation of the North West by the Provisional Government, nobody thought of the régime which has been proposed, accepted and under which we live. The three branches of our legislature were therefore born from the arrangements, concluded between the federal ministers and the North West delegates, sent and delegated by the Provisional Government" (Bishop Taché, *The Amnesty*, p. 55).

<sup>2</sup>See the article on the Fenian raid of 1871 in the REVIEW for June, 1923.

<sup>3</sup>See preceding note.

<sup>4</sup>So much so that he had to explain that when he did so he did not know whose hands he was pressing.

<sup>5</sup>*Supra* page 154, note 2.

In the early part of 1872, the proclamation of the Ontario government against the so-called murderers of Scott<sup>1</sup> excited trouble in Manitoba. In order not to be the cause of a violent agitation in our young and beloved province, and for the purpose of sheltering the Ottawa government, which, instead of protecting us, complained that our presence in the province gave the opposition a pretext and a power against us, we consented to leave the country for some time. We then went to reside in St. Paul. A member of the federal government, treading all justice under foot, came to pursue us in our exile. On March 17, he formed and began to put into execution, in the very capital of Minnesota, a conspiracy against us. His plan was to enter clandestinely the hotel where we lived, to force open our trunks, and to carry away all the official documents that we had relating to the troubles of '69 and '70, and our agreement with the Ottawa government. On April 28, two men, at St. Paul, believing that no one was listening to them, discussed at a fire during the night the measures to be taken to assassinate us and so earn the \$5,000.00 that the proclamation of the Ontario government had offered for the so-called murderers of Scott. On April 30, at Breckenridge, four men, who have been suspected of having been at the services of the same honourable member, against whose iniquitous plots we had had to defend ourselves at St. Paul, remained outside the door of the hotel where we were until a late hour in the night, for the purpose of assassinating us if we went out. Those facts can be proven by the affidavits of men who are still alive. We could name numerous similar facts,<sup>2</sup> but these suffice to show all the harm caused us by the government's politics; for, if it had been faithful to its agreement, would we be thus forever threatened and persecuted? When we have sacrificed ourselves; when, in a pure spirit of moderation, in order to facilitate, according to the hope of the government, the progress of the general interests, we have for some time silenced our just demands in order to face those exigencies, should we not be treated otherwise than we are now?

We thought we acted nobly in the last federal election, in electing, as we have done, the minister of militia.<sup>3</sup> A few days later, at St. Boniface, the electors of Selkirk, in the peaceful exercise of their rights,

<sup>1</sup>"Mr. Blake, who succeeded Hon. Sandfield Macdonald as premier in Ontario, had an appropriation of \$5,000 voted as a reward for the arrest of those chiefly concerned in the killing of Scott. The County of Middlesex also offered a reward" (Begg, *History*, etc., Vol. II, pp. 73 *et seq.*).

<sup>2</sup>*Supra* page 154, note 2.

<sup>3</sup>Sir George Etienne Cartier. Both Riel and Attorney-General Clarke withdrew their candidatures in Provencher to permit of his election by acclamation, on September 14, 1872 (Tassé, *Op. cit.*, p. 767).

were attacked in every manner, even with musket shots, to recompense us for what we had done in Provencher in the interest of one of the members of the Canadian government.<sup>1</sup> A way was found to leave us without protection against our enemies, and our good services, far from being appreciated, serve more than ever to our detriment.

As to those disturbers of public order, they all may, whoever they may be, act freely and even defy the law everywhere in Winnipeg. They may even show themselves in our courts of justice to the scandal of the honest people, to whom they are a source of alarm, simply to poke fun at our laws and clearly demonstrate to the eyes of the world that we may at any moment be plunged into the horrors of anarchy. The minister of justice,<sup>2</sup> however, at Ottawa,<sup>3</sup> in his public speeches and political addresses speaks only of hanging us because we do not devote ourselves to the interests of our province. The government at Ottawa is, therefore, hostile to us. We know that it simply desires our ruin. It tries, in order to attain that aim, to isolate gratuitously the whole political situation from a fact which is part of it in every respect. It desires to judge that act without reference to all the circumstances which have given rise to it, and although that act was accomplished by a government whose legality is recognized by its official despatches, and with which it has dealt in view of all the world for almost a whole session of parliament, and although that act was the deed of a government which, in the exercise of its functions, tried to prevent a catastrophe, by defending, as best it could, order and peace against madmen, against declarations of war, conspiracies without end and all kinds of treasons, it desires to make the responsibility of it all fall upon individuals.

<sup>1</sup>Sir George Etienne Cartier. "In Selkirk, Hon. Donald A. Smith was opposed by Mr. A. E. Wilson, who, however, received only 62 votes. . . . Election day in Winnipeg was marked by riot and disorder. Mr. Wilson's supporters, aided by a number of roughs, set out to intimidate those of Mr. Smith, and from the opening of the polls the day was a continuous series of fights and attempts to capture the poll books. At St. Boniface, pistols and axe handles were freely used on Mr. Smith's friends, though fortunately no serious injuries were inflicted. In the afternoon, it was found necessary to call out the militia to defend the poll in Winnipeg, the small police force being powerless to deal with the rioters. Captain De Plainval, chief of police, was severely handled and seriously wounded in his efforts to preserve the peace and others of the force were injured more or less severely in the performance of their duty. The day's outrages culminated in the destruction of the printing office of *The Manitoban* and *Le Mitis*, upon which the mob vented their rage, in vindication of their rights as free-born Britons" (Begg, *History*, etc., Vol. II, pp. 101 *et seq.*).

<sup>2</sup>Sir John A. Macdonald.

<sup>3</sup>In the *Blue Book*, at this point, the following words may be read in italics: "Here a page of the original document is lacking which is said to have been misplaced before reaching the Lieutenant-Governor of Manitoba" (*Blue Book*, 1874, p. 206). This is undoubtedly an error, as the sense continues absolutely normal and complete.

It maintains that the act does not come within the amnesty contained in the proclamation of the governor-general during the winter of 1869-70. Let it name the day, month, and year when that proclamation was published in the country, and let it explain then how it is that an amnesty is granted to the demagogues who have plotted so actively the troubles of 1869-70, who have succeeded in gathering an illegal muster of men at Kildonan, and who to-day occupy the honourable post of representatives of the people in the House of Commons, although those two murders<sup>1</sup> were committed.

The Ottawa government treats us as enemies, since it refuses to put into practice the principles of protection which it has admitted in treating with our delegates, and which it then publicly agreed to put into force, before taking possession of the country. This false policy on its part has made us suffer terribly, and has brought us more than two years of public strife dangerously opposed to the interests of the province.

Moreover, the Ottawa government directs all its efforts against us and the free administration of our local affairs, so as to demonstrate clearly that its political interests are incompatible with our own. Whatever it may be, it becomes us to claim and to find in the Canadian Confederation that personal security and that public liberty that we need and that we must have as our indisputable right.

(Signed)

LOUIS RIEL  
A. D. LÉPINE

St. Vital, Manitoba, January 3, 1873.

<sup>1</sup>Goulet and Tanner, see *supra* page 155, notes 1 and 2.

## REVIEWS OF BOOKS

*The Empire in Eclipse.* By RICHARD JEBB. London: Chapman and Hall. 1926. Pp. viii, 352.

It is now twenty-one years since Mr. Richard Jebb's *Studies in Colonial Nationalism* set forth the conception of the British Empire as a "league of nation-states in sovereign equality" in contrast to that most alluring vision of a federation of empire so ably advocated in its earlier days by the *Round Table*. In his history of the Imperial Conference Mr. Jebb seemed, in a measure at least, to renounce his first faith, but in *The Britannic Question* published two years later, in 1913, he admitted quite frankly that his conversion had been hasty and that maturer consideration had confirmed his original views. The essential unity of the three earlier works is preserved in the elaboration of a principle which Mr. Jebb regards as fundamental to Britannic unity—the dependence of intimate political association on the "unification of economic interest". As expressed in *The Britannic Question* his conception of the Britannic Alliance was based on the theory that "in democratic communities the integrating force which tends to make them 'organic' is not the compulsive power of a central government but the conscious sense of mutual aid in living of which the public policy must be an expression if the 'unity' is to endure". The unification of economic interests would tend automatically, he declared, "to unify the interests in regard to foreign countries, thus doing away with the necessity of any 'over-riding' imperial authority". The work now published may be regarded, as is stated by the author, as a sequel to *The Britannic Question*, and embodies the same conception of the basis of imperial unity.

This volume surveys the history of the Empire subsequent to the war and finds that systematic coöperation between the British communities, now designated "mutual-aid-in-living", has not found expression in public policy. The eclipse or "temporary obscurity" of the imperial idea may be attributed ultimately to the perversity of the British people in rejecting the principles of protection and imperial preference. "That something is amiss is only too evident," says Mr. Jebb; and it must be admitted that few of the symptoms of the Empire's illness seem to have been overlooked. British rule in India is "tottering"; the United Kingdom has been disrupted "through the faint-hearted sur-

render of the higher civilization to the lower"; "the Imperial Conference is a melancholy example of arrested development"; "in foreign policy there was no longer [September, 1925] any Britannic Commonwealth", while "the present climax of the long campaign for reciprocal preference is a scheme for subsidizing the Dominions at the expense of the British taxpayer as though they were indigent Crown colonies". It is proposed in this review to deal only with Mr. Jebb's treatment of the problems of foreign policy and of trade, and with his proposed remedies for the serious maladies of the Empire.

The chapter on foreign policy traces the shifting of the centre of gravity of foreign affairs from Europe to the Pacific, due in a large degree to the influence of the Dominions. Europe in 1922-3 recovered its pre-eminence. In his treatment of Anglo-French relations Mr. Jebb defends the "firmness" of Poincaré and is very critical of the diplomacy of Lord Curzon. A concluding section considers the influence of the League of Nations on the diplomatic unity of the Empire.

To Canadians Mr. Jebb's treatment of Canadian diplomacy will be of great interest. One can understand, knowing his theory of Empire, that Mr. Jebb finds it difficult to appreciate the attitude of the present Canadian administration, representing as it does a fairly far advanced "autonomist" position. It may be doubted if he fully realizes the implications of a principle which he postulates and which is fundamental—that foreign affairs are but an extension outwards of domestic interests. The first concern of the Canadian people has been the development of its resources, intellectual as well as material, and the consolidation of a Canadian national sentiment. Self-government in Canada has evolved gradually, at first in domestic affairs, because it was a condition necessary to the satisfactory realization of the purposes of the Canadian people; and because of the essential unity of external and domestic interests it was for the same reason extended to external relations. In its relation to the purposes of the Canadian people the principle of self-government knows no distinction between domestic and external affairs. It was first applied to Canada, and its application has been extended, not primarily by legislative enactment, but through the extension of the custom and the "spirit of the English constitution" to the practice of Canadian government. Each of the British commonwealths must, therefore, have its own peculiar foreign policy determined by the special character of its external relations. Out of these diverse elements there will emerge a substantial common factor which will provide a basis for such imperial foreign policy as may be said to exist. Mr. Jebb sees a very real danger in the diversity of national interests within the Empire and in the consequent difficulties in obtaining common



action, and would remedy this condition by creating a common economic interest by means of the regulation of imperial trade.

Another school of thought, represented in a distinguished manner by Sir Wilfrid Laurier, has considered the free and natural development of the Dominions, each in its own way, as the only solid basis of Empire. With this school Mr. Jebb is not in sympathy, and for that reason fails to do justice to the imperialism of Laurier. "In regard to Britannic organization Laurier's policy was essentially negative" (page 62); or again, "In regard to Britannic unity there was never any constructive side to the Laurier policy unless, had conditions in Britain been more favourable, trade preference might have led to something" (page 62). If organization is to be regarded as the basis of Empire then Laurier's policy was not constructive; if, however, the preservation of the sacred right of each Dominion to develop its own life without restraint can be regarded as a basis of Empire, Laurier deserves a place among the greatest of constructive imperial statesmen.

Likewise Mr. Jebb finds it difficult to harmonize with the unity of the Empire the Canadian position regarding representation at Washington and the negotiation of treaties. The Canadian people may be pardoned for desiring that their representation at Washington shall be the most effective possible in dealing with the numerous problems of common concern to the United States and Canada. A Canadian, because of his background and his more intimate knowledge of local conditions, should be more capable of understanding the inwardness of such problems than an Englishman. Such objection as has been raised to the Canadian ambassador acting for the United Kingdom or Australia is based solely on an appreciation of the limitations which must be attached to the representation of such interests by a Canadian. The delay in the appointment of an ambassador at Washington has been due not to the "practical difficulties" suggested by Mr. Jebb, but solely to the difficulty of finding a person capable of performing the onerous duties associated with the post who is willing to assume them. Mr. Jebb's suggestion that Canada "would not be hustled by the example of a junior Dominion which was known to be actuated by republican foolishness" is wide of the mark, in as much as the distinguished services rendered by the ambassador of the Irish Free State and his happy coöperation with the British ambassador would tend rather to encourage the sending of a Canadian colleague. Those who believe that the extension of Dominion self-government is not inconsistent with the stability of the Empire will not find any evidence of "eclipse" in the appointment of Dominion representatives to foreign courts, but will

rather welcome it as tending to fulfil the only conditions upon which the Empire can survive,

The resolutions of the Imperial Conference of 1923 regarding the negotiation and ratification of treaties do not entirely please Mr. Jebb. There are two views as to the function of the British ministry in communicating with the Crown regarding the ratification of treaties involving obligations on one part of the Empire only. The position taken by the Canadian government is that the British cabinet is merely a channel of communication. The view preferred by Mr. Jebb, and to which he ascribes greater authority in official circles in Britain than would seem justified, is that the British government has the right to examine the merits of the recommendations made by Dominion ministers and to transmit them to the Crown only in case they meet with the cabinet's approval. This procedure would serve to preserve the diplomatic unity of the Empire, but would give to the ministers of one Commonwealth functions, imperial in scope, which would not be entirely satisfactory. The proper body to advise the Crown would be the Imperial Conference, but, except during the relatively brief period of its sessions, consultation would not be possible, and "the only expedient therefore would appear to be that the British prime minister, who is *ex officio* president of the Imperial Conference, should continue in the latter capacity to exercise the same function which he has hitherto exercised in the former. . . . Under the suggested procedure a Dominion Government would apply to the President of the Imperial Conference for His Majesty's signature. If, after consulting the High Commissioners, the president felt any hesitation, he would have to consult the other prime ministers by cable or, in the last resort, postpone the matter until they could meet again. Thus . . . the principle of equality would be truly established without detriment to the unity of the Empire" (p. 328).

The proposed procedure is of doubtful advantage and illustrates what many Canadians consider to be a fatal defect of Mr. Jebb's school of thought. It seems anxious to impose upon the consideration of Dominion affairs restrictions designed to serve an artificial conception of imperial unity or equality. If a treaty between Canada and the United States affects only the interests of the two peoples why should not the king in ratifying the agreement act on the sole responsibility of his Canadian ministers? Should such a treaty involve the interests of other Dominions, may not the ministers instituting the negotiations be trusted to advise the proper authorities of the other Dominion of a possible interest so that all rights may be protected? Organization is not a substitute for good will and a sense of mutual obligation in preserving the unity of the Empire.

The people of Canada do not seem to have been more fortunate in their relations with the League of Nations. As Mr. Jebb points out, Canada did not at first approve of Article X of the Covenant of the League, and although it was subsequently ratified Canada continued its efforts to have it modified, to be defeated only by the vote of Persia. The refusal of Britain and of the Dominions to approve of the Treaty of Mutual Assistance and of the Geneva Protocol is regarded by Mr. Jebb almost as an act of treason. "It is easy to understand their [France and the small states] chagrin. First the Treaty of Guarantee . . . had disappeared; next the proposals at Cannes for a Franco-British pact had broken down because Britain would not be logical; thirdly the Treaty of Mutual Assistance, and now the more comprehensive protocol, which had been received with 'almost indescribable enthusiasm' (as M. Briand said) by the harassed small nations, had been shattered on the rock, thinly concealed by smooth lip-service, of the British Empire's indifference to the definite pledges which the Covenant contained" (p. 109). It is surely a new interpretation of the obligations of the Covenant that it involves the abdication of reason and the suspension of the right of passing judgment on the recommendations of the Council or Assembly of the League, even should they be the product of "the best minds of Europe".

Mr. Jebb's proposals for the solution of the problems created by the association of the British Commonwealths with the League of Nations are alike novel and drastic. He would have the Britannic states withdraw from the League. "The Britannic Commonwealth could then assume the same attitude as the United States of friendly detachment, refusing to take sides in the disputes of Europe, but ever ready to respond to her collective appeal for specified assistance in specific circumstances" (p. 301). "A Britannic policy on these simple lines would not appear to require any machinery of continuous consultation, provided the Imperial Conference met at least every second year. In relation to Europe the British government might then continue to act in the name of the Empire and with its support, instead of being forced, as lately, to play a lone hand" (p. 307). While it is doubtful if opinion in Britain would support this proposal, from the Canadian viewpoint there is much to commend it.

Mr. Jebb presents an exhaustive survey of more recent developments in trade policy from the viewpoint of the advocate of imperial preference. The ideals which the author cherishes have not been realized, admittedly owing to the failure of his fellow citizens to share his views. The position of Canada with regard to trade policy has been stated with great fairness. "The clue to Canada's policy in economic matters should gener-

ally be sought in her economic interest as judged by her government, and not in any political theory, except in the extreme case of an economic proposal appearing to threaten her British connection. Otherwise 'autonomy' has been the servant, not the master, of the Dominion's economic policy" (p. 165).

Naturally, Mr. Jebb was disappointed in the opposition offered by Canada to the creation of a permanent Imperial Economic Committee. The system of *ad hoc* committees preferred by Canada does not fit into the highly organized machinery for the direction of imperial affairs suggested by Mr. Jebb. He would have a permanent organization of the Imperial Conference under the supervision of the Dominion High Commissioners, each Dominion having a principal secretary, and these together forming the secretariat under the direction of the British secretary, who would be secretary-general. "With the secretariat continuously at work it would be necessary for the prime ministers to meet at least once in two years, if only to review what had been done and settle the lines to be followed in the next two years by the Economic Commission" (p. 327). This naïve statement indicates precisely the basis of much of Canadian suspicion of imperial organization. The secretariat, which must be kept *continuously at work*, whether or not there be grist for the mill, will serve as the driving wheel to govern the motions and the speed of prime ministers and commissions and other shafts and pulleys in the elaborate and mysterious machinery of empire. One is reminded of the declaration of a great Imperialist of a century and a half ago—and none the less an Imperialist because an Irishman—which, perchance may have suggested a better way: "My hold of the colonies is in the close affection which grows from common names, from kindred blood, from similar privileges and equal protection. These are ties, which, though light as air, are as strong as links of iron. Let the colonies always keep the idea of their civil rights associated with your government; they will cling and grapple to you. . . . As long as you have the wisdom to keep the sovereign authority of this country as the sanctuary of liberty, the sacred temple consecrated to our common faith, wherever the chosen race and sons of England worship freedom, they will turn their faces towards you. . . . Slavery they can have anywhere; . . . freedom they can have from none but you. . . . Deny them this participation of freedom, and you break that sole bond, which originally made and must still preserve the unity of the empire."

D. A. McARTHUR

*Anglo-Saxon Unity and Other Essays.* By C. A. BROOKE-CUNNINGHAM.  
London: Messrs. Selwyn and Blount. 1925. Pp. 306. (10/6).

*The Origins of Empire.* By IAN COLVIN. London: Philip Allan and Company. [1926.] Pp. 168.

THE first of these books is not of any special interest to students of Canadian and imperial history. It consists of a number of essays, dealing with such divergent subjects as ancient Greek civilization and the attitude of America towards the War of 1914. Perhaps the one thread running throughout the volume is the belief that the strength and achievements of a people rest upon their ethnic unity. The author sees little except evil in race mixtures, and tells Anglo-Saxons in England and in America that they must strongly endeavour to keep out those races who would reduce the strength and purity of the Anglo-Saxon stock. If he were giving advice to those who frame an immigration policy for Canada, he would tell them to bar all races except the Nordic. The book has no index.

The second book, on *The Origins of Empire*, is described by the author as "no more than a historical essay on the main lines and ruling motives of the creation of the British Empire". It is modest in size, but its subject is vast, for it brings the reader down through history from the Merchant Adventurers of the sixteenth century to the achievements of Cecil Rhodes in South Africa. We cannot expect anything new or illuminating from a small book that covers so wide a sweep of history, and we find nothing new or illuminating in Mr. Colvin's volume. But it presents a readable and interesting story of the rise of the British Empire. It is not, like many books of its kind, a mere chronicle of facts, for the author makes his narrative one of vivid appeal.

ALEXANDER BRADY

*Catalogue of Pictures, including paintings, drawings, and prints, in the Public Archives of Canada.* With an introduction and notes by JAMES F. KENNEY, chief of the Editing and Research Division. Part I. Published by authority of the Secretary of State, under the direction of the Keeper of the Records. Ottawa, 1925. Pp. xxxiv, 169; illustrations.

STUDENTS of Canadian history have long felt the lack of an authoritative and comprehensive work of reference dealing with the pictorial documents of the past of the country. Hitherto information on the subject has been scanty. A few catalogues of museums and collections of pictures, an occasional article in magazines and the proceedings of historical societies, or a passing reference in a biography, have been the only materials readily accessible. The publication of a catalogue of the pictures in the Public Archives will therefore be heartily welcomed by everyone interested in Canadian history.

The volume just issued, Part I, is a descriptive list of portraits of personages connected with the history of Canada from the time of Leif Ericsson to the year 1700. It covers the period which presents the fewest authentic pictorial records, and many of those whose portraits are included have but slender affiliations with Canadian affairs. But, as Mr. Kenney says in his Introduction, "the collection has been built up on broad lines", and these items in themselves have their value in suggesting the "atmosphere", the physical type, and the European background of the period. It is among the misfortunes of history that no authentic portraits exist of many of the men and women of the old régime. Cartier, Champlain, Maisonneuve, and Frontenac, so far as their physical characteristics are concerned, are creatures of the imagination; neither contemporary portrait nor written description survives to tell us what manner of men they were, and the reconstructor of the past is compelled to build from the record of what they said and did a bodily presence and a probable physiognomy. Certain so-called portraits of these and other Canadian personages have appeared from time to time, not only in popular books, but in many cases in works of otherwise respectable scholarship. Their spurious character has been demonstrated by the researches of Myrand, Biggar and others, but repeated publication has secured for them a sort of traditional authority, and too often they have been reproduced without comment, explanation, or pedigree. Numerous examples of the species, naturally and perhaps rightly, are included in the Archives collection, but the information as to their sources, supplied by the Catalogue, is so definite and complete that it leaves no excuse for future error or carelessness in this respect. Clear distinction is made in the notes, so far as is possible, between the spurious, the doubtful, and the well-authenticated portrait, and the purely imaginative picture, which is not without a legitimate right to existence, when it is based on adequate knowledge and the reasonable probabilities of the case, and does not masquerade as a document.

In a short preface Dr. Doughty justly claims that this is the first attempt that has been made to publish a scientific catalogue of Canadian prints. The descriptions are clear, and the information copious; sizes, inscriptions, processes of reproduction, dates and places of publication are given, together with brief comments on the origin of the picture, wherever it seems to call for mention, or data are available, and a short notice of the painter, engraver, and publisher, wherever known.

The Introduction by Mr. Kenney gives a summary of the development and aims of the collection, which now contains more than 25,000 items, and an exposition of the various processes of picture printing. This latter feature is of special value to all who may consult the Cata-



logue. The correct interpretation of a picture depends very largely upon an understanding of the material process employed, and a knowledge of the artistic conditions under which it was produced. Only too frequently this highly important part of the historian's equipment is neglected, and the result is to be seen in numerous curious misreadings and attributions of pictorial documents. Mr. Kenney has performed a valuable service to historical research by calling attention to the importance of a consideration of this branch of the subject and by supplying so much necessary information in his admirably clear and comprehensive sketch.

The publication of the Catalogue has undoubtedly entailed a vast amount of labour. It has been carried out with a thoroughness and scholarship that make it an indispensable addition to the working material of the investigator of Canadian history. Nowhere heretofore has so much information regarding our historical pictorial resources been gathered together and made easily accessible. To teachers, writers, and workers in the pictorial arts, interested in Canadian history, the Catalogue will be invaluable. Succeeding volumes will be eagerly awaited, and it is to be hoped that they will be issued with as little delay as possible.

The typographical presentation is excellent, and the care and skill exercised in this respect add greatly to the usefulness of the work for ready reference.

C. W. JEFFERYS

*La découverte de l'Amérique par les Normands vers l'an 1000.* Par Lt. Colonel LANGLOIS. Paris: Société d'éditions géographiques, maritimes et coloniales. 1924. Pp. vii, 164.

THERE appears to be no cessation to the stream of books dealing with the Norse discovery of America. Hardly a year passes without some new contribution to the subject. Yet it may be doubted whether this literature is bringing us much nearer the truth. The present volume, which was published in Paris in 1924, but which has only recently come to our attention, attempts to sum up the whole controversy; and from this point of view it is a work of much merit. To judge both from the book and the bibliography appended to it, Colonel Langlois has covered a wide range of literature in many different languages. There is no important contribution to the subject which he has, so far as our information goes, ignored. Yet he is forced to the conclusion that "in the present state of the question, and until the highly improbable appearance of new facts, it is necessary for us to content ourselves with an approximation, in the absence of sufficient definiteness in the texts".

All that Colonel Langlois does is to affirm the bare fact that the Norsemen visited North America.

This is not to say, however, that Colonel Langlois does not lean to certain theories. He agrees with Messrs Hovgaard and Fossum in believing that the discoveries of Leif the Lucky and of Karlsefni belong to two different regions. The Vineland of Leif, he prefers to think, was somewhere in the neighbourhood of the Gulf of St. Lawrence, whereas he places the Hop of Karlsefni on the south-east coast of Newfoundland. On the whole, he prefers to follow Messrs Hovgaard and Fossum rather than writers such as Messrs Steensby, Gathorne-Hardy, and Nansen. It is rather remarkable that in the section dealing with the archaeological evidence, Colonel Langlois makes no reference to the Kensington runestone found in Minnesota, but perhaps he considered this to fall outside the scope of his book.

As is usual with works published in France, the book has no index, but only a *Table des matières*. One wonders why French scholars are so unwilling to provide adequate indexes for their books, since they must suffer from the absence of indexes more than anyone else. It is a curious fact that the French of Canada have acquired the art of indexing, while the French of Old France have not.

W. S. WALLACE

*Origine des familles canadiennes-françaises: extrait de l'Etat civil français.*

Première série. Par le R. P. ARCHANGE GODBOUT, O.F.M. Lille: Société Saint-Augustin, Desclée, De Brouwer & cie. 1925. Pp. 262.

THIS is a book of names of members of French-Canadian families as they appear in the registers of a number of places in the north of France. The registers consulted belong to seven of the departments of that region, viz., Seine-Inférieure, Calvados, Manche, Orne, Sarthe, Ille-et-Vilaine, and Loire-Inférieure. Some of the important centres of population contained in this territory are: Rouen, Dieppe, Le Havre, Caen, Lisieux, Bayeux, Alençon, Mortagne, le Mans, Mamers, Saint-Malo, Nantes, Saint-Nazaire. Recalling the position of these in the old provinces of France, we find that they are in Normandy, Brittany, Maine, and Anjou. This is but a first series, and no doubt the author intends to continue his genealogical researches in the other parts of France. One may say of him as he says of Mgr Tanguay that he would like to "rendre possible à tout Canadien de retracer la lignée de ses ancêtres". The author is careful to tell us in his brief introduction that the great names of New France do not constitute the whole of its history, but that the plain settlers who wrote on the soil with their plough-points the great epic of Labour deserve also to be remembered.

There are few regions of America in which the inhabitants possess such accurate and minute knowledge, covering so long a period, of their ancestors as is contained in the genealogical literature of French Canada,

J. SQUAIR

*New England Captives carried to Canada between 1677 and 1760 during the French and Indian Wars.* Edited by EMMA LEWIS COLEMAN.

Portland, Me.: The Southworth Press. 2 vols. Pp. 438, 452.

PARKMAN, in his account of the attack on Deerfield in 1704, acknowledges the aid received, for the later history of the captives made there, from Miss C. Alice Baker of Cambridge, Massachusetts, herself descended from a Deerfield prisoner. Miss Baker in 1897 published the fruit of her researches, and now her collaborator has continued and enlarged that work in these two large and finely printed volumes, handsomely bound and well illustrated. Some of the material used had already been printed by Miss Baker, *e.g.*, the story of little Esther Wheelwright of Wells, who became Sister Esther and first (and last) English superior of the Ursulines at Quebec. But as the earlier volume was privately published and is now out of print, the re-telling of the story in a complete account of all the prisoners then captured was justifiable.

The two volumes obviously represent years of devoted research. In the effort to trace the fate of the members of the New England families carried prisoner among the Indians, or to New France (or both), every available source on both sides of the border has been ransacked. In Canada, beyond the archives at Ottawa and Quebec, much use has been made of the baptismal and marriage records of the period. Those of Montreal, for example, furnish much valuable evidence, for the English child torn from home and village by the Indians is frequently next heard of as baptised by a priest in Montreal, his or her English name half lost or overlaid with a French one, *e.g.*, Françoise Rozotty for plain Rose Otis (vol. i, 154). Through all the wars from Philip's War to the conquest of Canada, from end to end of the border, the record is followed, the names of the captured enumerated, and their fate tracked down with inexhaustible energy.

Thus the volumes form a mine of genealogical information, and will be invaluable to the student of New England family history. Their claim on the student of history in general is perhaps more limited. True, they bring together a great deal of information about the life of border New England and its relations with New France. But there has been no lack both of general and local histories for so engrossing a period. And it must be confessed that the results of these new researches are presented in a rather raw and undigested fashion, without any attempt

to summarize them or to show the significance of the mass of material so industriously gathered together.

To the student of Canadian history two questions present themselves after a survey of these volumes. What of the French prisoners, far fewer in number of course, who were taken captive to New England before the Acadian dispersion? Did any of them settle down there as did the English captives in French Canada? And secondly, realizing how large a number of these latter were absorbed into French-Canadian life, did they have any material effect on the French-Canadian stock? Did they, for example, help to strengthen the farming strain in the colony, and diminish (relatively) that of the *vagabonds des bois* which had been so sore a trial to the French-Canadian authorities in the latter half of the seventeenth century? They may at least have strengthened to an appreciable extent the natural taste of the habitant for the tillage of the soil.

R. FLENLEY

*The French Régime in Prince Edward Island.* By D. C. HARVEY. New Haven: Yale University Press. 1926. Pp. xi, 259; map.

THERE are not many books about Prince Edward Island. The two histories, Campbell's and Warburton's, deal mainly with political development, while Johnstone's *Travels* and Bagster's treatise are in the nature of special studies. The papers in the Canadian Archives and the report of the commissioners on the land tenure question contain material not yet fully utilized. Professor Harvey has for the first time set forth the narrative of the island in the French period, from Cartier's voyage in 1534 until the Isle Saint Jean passed to the rule of the English in 1758. The author has drawn upon all the material available. The story, if not dramatic, is romantic and interesting, and there is a personal touch in the fact that a native of the province—descended, not from the race that attempted to settle and hold the island, but from those who took possession—has tried successfully to do justice to the efforts of the pioneers. The tenacity of France, striving to hold the rest of her domain, after the loss of Acadia, is well illustrated in this case, as hope always existed that Acadia would be regained and the island form the base for the efforts that would be made from Canada. All these plans were to fail, but the particulars embodied in this book are part of the whole policy of France in America, and are to be studied in connection with the fate of the Acadians. Professor Harvey has found the theme worthy of adequate treatment and his readers will thank him. The island, he shows, was never self-supporting; and settlers at all periods were in a precarious condition; both French and English placed too high a value upon its importance. The colonizing race was bound to win

and to make of the island what it is to-day. The French who remained, however, settled in districts not inhabited during the period when France held sway, have made a creditable place for themselves in the province, and in 1921 numbered 12,000 people, more than one-eighth of the total population.

A. H. U. COLQUHOUN

*Rapport de l'Archiviste de la Province de Québec pour 1924-1925.* Par PIERRE-GEORGES ROY. Québec: Ls-A. Proulx, Imprimeur de Sa Majesté Le Roi. 1925. Pp. xvi; 441.

As in previous years, the *Report of the archivist of the province of Quebec* furnishes an example of the best that printer and publisher can do towards making a volume attractive. The province of Quebec is fortunate indeed in being served by an archivist and a government who treasure historical manuscripts sufficiently to print them in a manner befitting their value. Students whose interests lie in French Canada are coming already to expect material from Quebec in the distinctive form of these provincial reports.

For this, his latest volume, M. Roy has made a well-varied selection of manuscripts. In view of the recent papal beatification of the missionary martyrs of early French Canada, it was a timely thing to secure from the Collège Sainte Marie in Montreal a complete transcription of the *Mémoires touchant la mort et les vertus des Pères Jésuites*, and to print it as a whole. The memoirs run to ninety pages of text, and they present fully and circumstantially the accounts of heroic martyrdom. But inserted within the text of the memoirs are photostat reproductions of manuscripts penned in the Montreal gaol in 1839, by two of the *patriote* prisoners. One may suggest, perhaps, that a more sensitive regard for the niceties of historical propriety should have led to the choice of some other part of the *Report* as equally convenient and far less incongruous for the insertion of these documents; unless, perchance, it was the intention of the editor of the volume to try to create an association or parallel in thought and in sympathy between the Jesuit martyrs of the seventeenth century and the "martyrs" of 1839,—in which case the question of congruity must provoke a sharp difference of opinion.

For the period before and during the Seven Years War the *Mémoire du Canada*, extending to over a hundred pages in print, brings out the interesting discussion as to whether or not the authorship of this document can be identified with that of the *Mémoires du sieur de C.* printed by the Literary and Historical Society of Quebec in 1838. The editorial preface to the memoir, in explaining that the original manuscript was procured from Paris for the Imperial Library of St. Petersburg (Leningrad), probably in 1805, from which original in St. Petersburg a tran-

scription was taken for the Archiepiscopal Archives of Quebec, suggests the likelihood of identical authorship, and assigns priority in composition to the *Mémoires du sieur de C.* Readers of the *Mémoire du Canada* here printed will be struck at the conclusion of the document with a tabulation purporting to be a list of the "millionaires" of Quebec and Montreal in 1759, with a pointed indication, grouped into categories, of the sources of ill-gotten gain. Closely connected with this for its economic interest is the complete list of notes upon the French Treasury held by residents of the government of Montreal (1763) and registered under instructions from Governor Gage. The notes comprise 2,576 *ordonnances*, each with the name of the holder and the amount of the note in *livres*, and 283 *lettres de change*, each also with the name of the holder and the amount. A similar registration for the government of Quebec under Murray is to be published by the Archivist shortly; but the companion list for the government of Three Rivers under Burton apparently is lost. The Montreal and Quebec registrations, however, are useful for the economic history of Canada at the time of the cession. Perhaps of equal interest to the political as to the economic history of the same period is the set of memorials and letters coming from the Chambers of Commerce of French cities sharing in the trade of Canada: memorials protesting to the French Court against its intention to surrender Canada to Great Britain. This correspondence is worth scanning by any who, following in the wake of Principal Grant and Professor Alvord, are interested in the question of the disposal of Canada at the end of the Seven Years War.

The volume closes with a contribution from M. E.-Z. Massicotte, consisting of a deposition by Colonel John Butler, made in Montreal (1787), and now on record there, concerning the services of Sir William Johnson, Bart., and of his son, Sir John, and the misfortunes of the latter as a Loyalist resident of New York in the War of American Independence. The index at the end is ample for needs of reference and research, and seems to have been compiled with care. Here and there in the *Report* are inserted (in addition to those relating to the *Patriotes* mentioned above) photostat reproductions of documents belonging to the old French régime, and in particular of the baptismal and marriage records of Iberville and of Jolliet; also photostats of four original seigniorial land grants.

C. E. FRYER

*Welland county historical society: Papers and records.* Volume II. Being a group of papers presented at the meetings of the society in the year 1925. Welland, Canada: printed by the *Welland Tribune and Telegraph*. 1926. Pp. 147.

FOR many years the local historical societies of Ontario have been very



active in publishing papers and records presented at their meetings. Recently, however, there have appeared comparatively few publications under the auspices of these historical societies, and this is no doubt due to the action of the department of education for Ontario in cutting off the government grant to these societies. This fact makes the appearance of the second volume of the *Papers and records* of the Welland county historical society all the more remarkable. For the energy and public spirit shown by the members of this society in continuing their publications, one can have nothing but admiration. The volume is handsomely printed and well bound, and is a striking evidence of what may be accomplished by historical societies even without government aid.

The papers contained in the volume fall into four groups. In the first place, there is an authoritative study of the Fenian raid of 1866 by Brigadier-General E. A. Cruikshank, followed by seven or eight papers containing personal reminiscences of the raid. Secondly, there are four papers dealing with the subject of natural gas in Welland county, including a paper by Mr. D. A. Coste on the history of natural gas in Ontario. In the third place, there is an address by Mr. J. H. Coyne delivered at the unveiling of the Merritt memorial cairn at Allanburg commemorating the centenary of the turning of the first sod of the Welland canal. Lastly, there are some miscellaneous papers: "The early history of St. Johns", by J. F. Gross, "The history of the Niagara gorge", by D. D. Gross, and "Governor Simcoe visits Welland", by Ernest Green. With the exception of General Cruikshank's paper, all the contributions are brief in character, and a wise economy appears to have been exercised in preparing them for publication. Most of them, moreover, are well written, and many of them contain material which has probably not before appeared in print. An especially interesting paper is that on "Sam Johnston, smuggler, soldier and bearer of news", by Mr. Louis Blake Duff. This contains Sam Johnston's own narrative of his experiences in the Fenian raid, and is a good example of how historical materials which might otherwise have been lost may be gathered together while the opportunity exists.

W. S. WALLACE

*The Memoirs of Susan Sibbald (1783-1812)*. Edited by her great grandson, FRANCIS PAGET HETT. London: John Lane. [1925.] Pp. xxiii, 339. (18s.)

SUSAN SIBBALD was the widow of a British army officer who came to Canada after her husband's death in 1837, and settled at "Eildon Hall" on the shores of Lake Simcoe, where the family is still established. In

her later years she committed to writing the memoirs of her early days. These cover the period preceding her marriage, and coinciding with the period of the Napoleonic and Revolutionary wars. They are written in a lively and most amusing style, and a number of distinguished people make their appearance in them. But they have little or no connection with Canada, and the part of the book which will be of particular interest to Canadians is the "Envoi", which contains a number of letters written by Mrs. Sibbald from Canada during the years 1856 to 1866. These give some interesting glimpses of social life in Upper Canada in the middle of the last century, together with graphic details about such outstanding people as Bishop Strachan, Sir John Beverley Robinson, and Admiral Augustus Baldwin. Here, for example, is an amusing picture of how the eighty-seven-year-old Bishop Strachan and the eighty-three-year-old Mrs. Sibbald looked on the social life of Toronto in 1865:

The dear old Bishop remembering I always paid him a visit on his birthday sent Mrs. James Strachan in the morning of the last, asking me not to come, as the wind was extremely high, but that he would come soon to see me. He came the next day, he was not in his usual good spirits, as a Col. Gordon had just died, one of his oldest acquaintances. Hardly one now left of his own standing, as Judge McLean has been for some time on the brink of the grave, and is quite paralyzed. He asked me if I did not feel the difference in the change of society in Toronto since I first knew it. Alas! I have not one left, I may say, but Mrs. Baldwin. Dear Lady Robinson is on her death bed & Mrs. Strachan shuts herself up in her room & sees no one. I receive & make ceremonious calls, I never go to parties, nor do I give any, as I am very well when I keep quiet, and dear Susie is too young for anything but a quiet tea-party.

The volume is well illustrated and fully indexed, and the Canadian section is provided with useful foot-notes, including one or two which contain stories about Bishop Strachan which we do not remember having seen before.

W. S. WALLACE

*The Life of Henry Howard Molyneux Herbert, Fourth Earl of Carnarvon.*

By the Right Hon. Sir ARTHUR HARDINGE. Edited by ELIZABETH, Countess of CARNARVON. Three Vols. London: Oxford University Press. 1925. Pp. xxi, 391; 400; 383. (\$19.00.)

THESE volumes belong to the excellent Victorian tradition. Planned on a generous scale, illuminated with private letters, dispatches, official and parliamentary speeches, conversations and records of interviews, they disclose with skill and literary charm the influence of a minister of the Crown on his department and on public affairs and in turn his own progress and development, as his official life reacted to national and imperial activities. It is doubtless true that Lord Carnarvon was

not a great outstanding figure in Victorian history and that the record of his career is somewhat drab beside that of Disraeli, Gladstone, or Salisbury. On the other hand, he will hold a distinguished place in that characteristic category of Englishmen who have given to the state honourable service, singlehearted devotion, and a high sense of public virtue and private morality. Sir Arthur Hardinge's biography is written with care and judgment. The general history—which is accurate and balanced—does not protrude, and is always woven into the narrative of Carnarvon's life. In other words, while the volumes add to the interest of British history as a whole, they remain, however, biographical in the best sense of the word. Here and there a little pious emotionalism emerges, a whiff of incense is in the air; but we believe the author has made a serious contribution to historical biography.

In imperial history, Carnarvon's name will remain important. It is interesting to note that one of his earliest speeches dealt with colonial affairs. In the House of Lords he urged (March 1, 1855) the desirability of thanking the colonies for their material and sentimental help during the Crimean War—especially the Canadas. A Canadian heard the speech and reported, in the *Toronto Daily Colonist*, not merely his surprise at, but his admiration for, Carnarvon's knowledge of Canadian affairs. Every Canadian knows that a decade later it fell to Carnarvon's lot as colonial secretary to pilot the British North American Act through parliament. Sir Arthur Hardinge gives a long and important chapter to the creation of the Dominion of Canada. While there is no contribution to historical knowledge—and indeed that can hardly be hoped for—there is a careful view seen from the British angle, and all Canadians will be grateful for Carnarvon's speech in the House of Lords (February 19, 1867), which Sir Arthur Hardinge has printed *in extenso*—"a great speech, conceived on large lines and worthy of a noble subject".

Carnarvon's interest in the Empire was sincere and on the whole wise. He formed early a high opinion of Macdonald, who looked to him as a liberal-minded imperialist who would tend the lamp of faith when the worshippers were dwindling and the creed seemed to be losing any remaining vitality that it possessed. A member of Disraeli's government in 1874, and once again colonial secretary, Carnarvon brought to his office not merely newer enthusiasms, but ever increasing knowledge. Sir Arthur provides us with valuable selections from his correspondence with Lord Dufferin, which throw light on British Columbian affairs, on the Canadian Pacific, on the Red River Rebellion, and on Dufferin's own difficulties in relation to Riel and Lépine. Students of the growth of Canadian autonomy cannot afford to neglect these important pages (ii, pp. 117 ff.).

In August, 1883, Carnarvon visited the Dominion to which he had acted as imperial godfather. These pages are in many respects the most interesting of all (iii, pp. 90 ff.). They contain judgments of Macdonald and Blake which are singularly judicial. Macdonald is "like Saul head and shoulders above all his contemporaries and colleagues . . . ripened wisdom and perhaps statecraft of an experienced statesman". Blake is "thoroughly honest, upright, conscientious, honorable . . . very sensitive and sometimes utopian in his political dreams . . . in practical statesmanship he is no match for Macdonald. I doubt indeed, whether he is very likely to succeed . . . a very high character. . . . Canada may be very proud to have two men so deserving of the name of statesmen as Macdonald and Blake". Incidentally Carnarvon gives us a delightful episode in Macdonald's early career and from his own lips: Macdonald, Sir John Rose, and a third "went into the States and wandered about as strolling musicians. Macdonald played some rude instrument, Rose enacted the part of a bear and danced, and the third did something else. To the great amusement of themselves and everyone else, they collected pence by their performance in wayside taverns". The episode may well be considered symptomatic. It was the human side of "Old Tomorrow" (as Macdonald told Carnarvon's daughter he was called by the Indians) which was such an invaluable thing in his long and successful public life. He could "walk with kings nor lose the common touch".

Perhaps the greatest mistake in Carnarvon's career was in relation to South Africa. The attempt to force federation there on the British colonies and on the Boer republics was a fatal step. Doubtless he was inspired by the successful issues in Canada and by his official part in them; but a wiser man would not have been influenced by the singularly inept advice of the historian Froude to call in 1875 a South African conference, nor would he have sent Bartle Frere there in the following year on a fruitless mission, nor would he have drafted the South Africa Act of 1877. Carnarvon failed to see that the federation so honourably connected with his name was the creation of British North Americans, and that the Imperial Act which gave it a legal habitation and a name was merely a necessity demanded by circumstances. To dictate to South Africa was in reality to court failure.

The volumes are excellently indexed and are full of admirable illustrations. There are only a few slips—not of momentous importance—and the general accuracy in statement, in names, and in places is worthy of all praise. We have read the volume with pleasure and interest. They form an important and permanent contribution to British and imperial history.

W. P. M. KENNEDY

*Ocean to Ocean: Sandford Fleming's Expedition through Canada in 1872.*

By the Rev. GEORGE M. GRANT of Halifax, N.S., secretary to the expedition. Introduction by W. L. GRANT. (Master works of Canadian authors, edited by JOHN W. GARVIN, Vol. XIII.) Toronto: The Radisson Society of Canada. 1925. Pp. xxi, 412; illustrations.

A NEW edition of this classic of Canadian travel has long been needed. Inasmuch as the main body of the work has been wisely left intact without change and without notes, a review is possibly superfluous. The new edition, however, has been greatly enhanced in value by an introduction including biographical details and a bibliography written by Mr. W. L. Grant. Two interesting photographs have also been added.

One or two points in the introduction should be noted from the standpoint of accuracy. Strictly speaking, gold was discovered in the Caribou country not in 1857-8, but only some two or three years later (p. vii). Sandford Fleming was a director of the C.P.R. not in 1883, but in 1885 (p. xvi). The introduction is important, because it is written by the son of the author of *Ocean to Ocean*.

In the remainder of the work it is unfortunate for the historian that some details have been omitted, and that the sixty illustrations of the 1873 edition have been reduced to ten pen-and-ink reproductions. Without attempting to criticize the work of Miss Dorothy Stevens as an artist, the reproductions have lost in the transformation much in detail which was of value to the historical student. They have gained little with the addition of some isolated and shapeless trees.

The casual reader may find much to admire in the new edition as a popular presentation, but the critical reader, unless he wishes to consult Mr. W. L. Grant's interesting contribution, will still find it necessary to visit the libraries fortunate enough to possess copies of the earlier editions.

The importance of the work to the historian depends upon its accurate and detailed description of the vast areas through which the author travelled at that time. To impair this accuracy in any way is to detract from the value of the book.

H. A. INNIS

*The Unreformed Senate of Canada.* By ROBERT A. MACKAY. Toronto: Oxford University Press. 1926. Pp. xvi, 284. (\$4.50.)

MR. R. A. MACKAY has performed a signal service to Canadian history in writing a long overdue objective study of the Canadian Senate. A graduate of the University of Toronto and a distinguished student under Professor E. S. Corwin at Princeton, Mr. Mackay has brought to his

work scholarship and scientific training, and these are all the more valuable in dealing with a subject round which gather from time to time ignorance, prejudice, and not a little passion. In addition, he writes well—clearly, correctly, and with a sense of the delicate and subtle interactions of form and subject matter.

His method of approach is eminently satisfactory. After a short view of second chambers in colonial history, Mr. Mackay provides a careful discussion of the intentions of the chief makers of Canada in creating the Senate. These he summarizes:

In short the Senate was to be in every way a secondary political institution whose ample legal powers should be called into play only when rights were endangered by hostile legislation.

A discussion follows on what may be called the rise and fall of "the intentions of the Fathers". The pronounced growth of executive power, the federal aspects in the composition of cabinets, the protection extended by the judiciary to the provinces have all combined to lower the dignity and to limit the original purposes behind the creation of the Senate. On the other hand, in a subsequent chapter Mr. Mackay makes a special survey of the Senate's work in protecting rights, and many Canadians will be surprised to find that episodes which they have been inclined to judge perhaps from a party point of view take on another aspect when related to justice and equity. In the same connection may be read Mr. Mackay's judgments on the conception of the Senate as conservative and reactionary. These chapters will serve an extremely useful purpose in clearing the air of a certain amount of prejudice.

Perhaps the most valuable part of the book is the careful review of legislation in the Senate. Even the casual reader will be impressed by statements which are the product of diligent care and extensive study. With Mr. Mackay's diagrams in front of him, he will no longer be able to damn or praise the Senate as he wills. The truth is that judgment lies between extremes and that sweeping statements in relation to the Senate's "obscurantism", or "veto", or "party prejudices", can no longer pass muster. Thanks to Mr. Mackay's research, it is now possible to obtain an exceedingly valuable estimate of what the Senate has done or has not done in relation to all bills—government, private, and private members' bills—since 1867. Had he done nothing more than this his service would have been inestimable. Future speakers and writers cannot overlook these chapters, which are one of the most important constructive contributions yet made to the study of Canadian government.

Mr. Mackay, however, recognizes the necessity of going further. A promising political thinker and a practical-minded student of institutions, he submits "the appointing system" to fair and honest criticism. Here,



too, his services are admirable. Before his careful review and his instructive tabular statements the structure of "Senate reform", in so far as use has been made of bricks of "impotency", "ignorance", "old age", and "incompetence", will prove less and less imposing. Mr. Mackay does not, however, write as an advocate—he is rather a judge addressing the jurymen of his country and asking them to bring in a verdict, if they must do so, based on the facts disclosed in the case. He sums up the position on the credit side and on the debit side. We think he is eminently objective and singularly dispassionate.

Mr. Mackay would not be the pupil of Professor Corwin were he to leave his study without some political conclusion. He reviews second chambers in various other countries and shows their inapplicability to Canadian conditions. Recognizing, however, that a demand exists for reform he makes some constructive suggestions. We do not indeed share his apparent belief in second chambers, but we share his realism in recognizing that facts govern situations. Abolition of the Senate is out of practical politics. The problem is to satisfy a growing demand for change based, as often as not, on reasons obscure and ill-informed. Mr. Mackay would seek to give the Senate a popular foundation, a position subordinate to the House of Commons, to conserve in its membership legislative and administrative experience, to bring to it men of eminence in other walks of life, and recognizing facts, to preserve the present basis of equal representation of the four sections.

With these ideas in view he suggests that half the Senate should be elected by the House of Commons: "the representatives of each section electing their own senators on a basis of proportional representation". The candidates for this group would be drawn from men (and women?) with adequate experience in the federal and provincial legislatures and cabinets, and from former or retiring senators. The other half would be appointed as at present, but from groups representing "eminence in fields of activity other than party service". In addition tenure for each type of seat would be for a fixed term on some principle of rotation and considerably longer than the term for seats in the House of Commons. All appointments by the Crown in council would be laid before parliament, at least two weeks before going into effect, with a justification for them, and a recognition of the four sections; while to the Senate would be given a power to reject appointees who did not satisfy conditions, which would be apparently laid down in some legal document.

Mr. Mackay does not work out his plan in detail, and he suggests it with evident diffidence as a mere outline. He claims for it, however, that it would satisfy those so-called defects which call forth criticism that it would give a representative character to the Senate, and that the

type of appointee would widen the opportunities for well-informed discussion and adequate national investigations. Dangers, if such they may be called, are anticipated. Such independence as the Senate possesses—and it is legally and constitutionally extremely wide—might disappear with a possible tightening of party lines and the growth of group organization. Mr. Mackay believes that a long term of office and the presence of proportional representation would tend to obviate such possibilities. As for the complexity of the plan, Mr. Mackay answers that the road to constructive reform is never easy.

The scheme is as good as many which have been suggested. We do not care to submit it to detailed criticism, as we can see no function which a second chamber need necessarily serve. When a great and wealthy province like Ontario can be satisfied, on the whole, with one house, there is no *à priori* reason for a Senate. On the other hand, reform is difficult, and abolition at present out of the question. We believe some constitutional change providing an adequate solution for deadlock might be best. Were such a provision created, it might reduce the Senate to complete impotency, and that might be well. However all this may be, Mr. Mackay has written a book which should be read by every public man in Canada. It ought to become a necessity in all discussions. Especially useful will be the Bryce Report on Second Chambers, which Mr. Mackay has printed in an appendix. We offer him our sincere congratulations, and we should like to accompany them with an expression of thanks to Professor Corwin and to Princeton University for their zeal in promoting the study of Canadian history and for their many kindnesses to Canadian students. The book is beautifully printed, and Professor G. M. Wrong contributes a charming introduction.

As we anticipate that a second edition of the book will shortly be called for, we should like to draw attention to some points. If it is at all necessary to refer to the place where Simcoe's first legislature met, it is rather dogmatic to say that it was "a rude log cabin which boasted of a single door and two windows". Dr. D. C. Scott has adduced evidence in favour of Freemason's Hall (*Trans. Royal Society of Canada*, 3 series, vii, sec. ii, pp. 175 ff.). Then, there is Clark's diary in favour of "marquee tents", and this is supported by W. D. Powell (*Ontario Historical Society, Papers*, vii, p. 167). In note 1 on p. 18, for 388 read 391. The refusal in 1837 of an elected second chamber (p. 18) ought not to be isolated from Glenelg's loophole in 1835 for its possible consideration by the king (Glenelg to Gosford, July 17, 1835). The text is too strong—"flatly refused". Russell merely referred to the inadvisability of the elective method; and the governor's speech quoted

against its consistency with monarchical institutions, while doubtless in agreement with William IV's opinion as expressed to Melbourne, dates from 1834. Events had moved Glenelg from the attitude of strict rigidity. Durham's *Report* is misquoted (p. 19). The note (p. 20) on the demand in Upper Canada for an elective legislative council ought certainly to have a reference to the *Seventh Report on Grievances*, p. xxxix. The legal powers of the governor and council over divorce in Prince Edward Island ought to be referred to the Statute, 5 William IV, c. 10 (P.E.I.), and not to a speech in 1920 in the Senate (p. 22, n. i). On the same page for "Thompson" read "Thomson". For "ibid." (p. 46, n. 2) read "Conf. Deb." We should not like to write: "historically the House of Lords is an estate of the realm" (p. 60). If it is, it is not such "historically". Nor would we write "no leisure class" (p. 61), or describe the Senate as "a divorce court" (p. 91). In connection with the Lemieux Act (p. 168), reference is clearly needed to 41 *The Times L.R.* 238. The references to the constitution of the Irish Free State are singularly incorrect. The universities do not elect members to its Senate, but to its House of Deputies. "Fourteen days" ought to be "twenty-one days", and the references in the foot-notes to the articles of the constitution need complete revision. Mr. Mackay seems only to have read it in draft. For "McKechnie, W. G." read "McKechnie, W. S." (p. 273). In the bibliography there is lack of uniformity in referring to publishers, places, and dates of publication. These points may on the whole be of small importance, and certainly they do not discount Mr. Mackay's accuracy. On the other hand, his attention may well be drawn to them. Lastly, we should like to suggest that, as Mr. Mackay has outlined a plan for the representation of groups in the Senate "eminent in other activities than party politics", and as he includes in appendices those categories of citizens eligible for membership of the Belgian and Italian senates, he should include in a new edition reference to the British experiment along similar lines in Malta, where under the constitution of 1921 (Parliamentary Papers, Cmd. 1499) the clergy, nobility, learned classes, merchants, and trade unions have representation in the Senate. Indeed, the manner of appointments to the Senate and the provisions for deadlock in Malta lend themselves admirably for consideration in an appendix.

W. P. M. KENNEDY

*Niagara in Politics: A critical account of the Ontario Hydro-Electric Commission.* By JAMES MAVOR. New York: E. P. Dutton and Company. 1925. Pp. vi, 255.

IN both the United States and Canada the ever-growing demand for

electricity is arousing increased interest in the utilization of water power. The relative merits of public, as opposed to private, ownership and control, are being much discussed; and, as evidence is not lacking that both countries are on the eve of most important electrical developments, the decisions of the next few years are certain to have far-reaching results. In this volume, the last published by the author before his death, Professor Mavor leaves us in no doubt as to his extreme views on governmental operation of industrial enterprises. In an introductory chapter he asserts that the aim, conscious or unconscious, of advocates of so-called "public ownership" is "not dissimilar to that of Lenin", and that public ownership opens the gateway to the manipulations of self-interested politicians and the establishment of a permanent political power. These dangers the author believed to be strikingly exemplified in the history of the Hydro-Electric Power Commission of Ontario, which, he declared, had from the beginning been "a menace to the financial credit and to the liberties of the people of the province". Succeeding chapters deal briefly with the early history of electrical development on the Canadian side of Niagara Falls, and then proceed to a more detailed account of the activities of the Commission from its establishment in 1906 to 1925. The steps are described by which the Commission ceased to be merely a rate-fixing body, and acquired a virtual monopoly of the generation and sale of electricity for a large part of the province. A chapter is devoted to the proposals of the Commission regarding Hydro-Radial lines. Special attention is given to the findings of commissions of investigation which have been appointed by the provincial government. Of particular interest is the discussion of the Gregory Report, an official copy of which was examined by the author. Its findings are summarized and numerous quotations are given, and these are perhaps the most valuable feature of the book.

In the course of his narrative the author has no word of commendation either for the enterprise itself or for those responsible for it. He believed that its origin was due not so much to legitimate grievances as to the crafty propaganda of a few interested enthusiasts who artificially fomented a furor against private companies; that carefully organized demonstrations terrorized the provincial government, forced the press into line, and stifled all criticism. By such means, he declares, a "small oligarchy" so gained control that "from the Spring of 1906 onwards the real Government of Ontario was the Hydro-Electric Commission". Throughout the volume there is levelled against the Commission and against the principle of public ownership a long series of charges which vary in the greatest possible measure from substantiated facts to ex-

pressions of personal opinion and inferences which seem much distorted in view of the evidence submitted. The author expresses gratification at the "close correspondence between the general tenor" of the Gregory Report and of his own conclusions, at which he arrived independently. This attitude is scarcely justified, however, in view of the fact that the tone of the book is without exception one of hostility toward the Hydro and its promoters. The Report on the other hand asserts in its summary of conclusions that "the principle of Public Ownership of the Water Power of the Province and its development by the people for the people is, in our opinion, fundamentally sound and should be maintained at all hazards in its full interpretation. . . . The things to which we have taken exception are nearly all matters of administration."

The book contains a great deal of valuable and accurate material, but it is unfortunate that the author chose to exclude entirely any exposition of views to which he was opposed. The force of the argument is greatly weakened by this very apparent partiality, since the critical reader, whatever may be his attitude toward public ownership, must gain the impression that only one side of the story has been told.

GEORGE WILLIAMS BROWN

*Population Problems in the United States and Canada.* Edited by LOUIS I. DUBLIN. New York: Published by the Houghton Mifflin Company for the Pollak Foundation for Economic Research. 1926. Pp. xi, 318.

In this, the fifth of the Pollak Publications, Dr. Dublin of the Metropolitan Life Insurance Company has assembled nineteen independent essays, so well co-ordinated as to give a single, comprehensive view of the fundamental problem that we face on this continent.

The twentieth century has witnessed a revival of interest in the problems of population unparalleled since the time of Malthus. It is only necessary to recall the work of Dr. Raymond Pearl in the United States, and of Mr. Udry Yule in Britain, to realize the striking character of this renaissance, which has already produced results scarcely dreamed of by the neo-classical economists of the last generation, though they proceed logically enough from the methods of an earlier worker, Cournot. This volume is a notable contribution to the new knowledge, and may serve to dispel some of the gross misconceptions about population which have so mischievous an influence on policy to day.

Among the contributors are three Canadians: Mr. R. H. Coats, the Dominion statistician; Mr. Bryce M. Stewart, once director of the Employment Service of Canada; and Professor R. M. MacIver of the University of Toronto. The first-named is concerned exclusively with

Canadian contemporary history, and writes on "The Immigration Problem of Canada"; Mr. Stewart and Professor MacIver deal with questions not specifically Canadian.

Some of the figures quoted by the Dominion statistician are at first sight arresting; for example, in the statement that emigration from Canada (native-born and immigrant together) during the first twenty years of this century was in excess of 2,000,000 (p. 188). But this offers no ground either for alarm or pessimism; indeed it closely resembles American experience. "The United States Immigration Commission in 1910 found that no less than 40% of the immigrants to the United States left the country after a brief stay. For Canada the percentage is doubtless higher. The reasons are obvious. In the first place, our close proximity to the United States with its vast attracting power upon a mobile and virile population—especially as the two countries speak the same language and have the same general institutions—is probably without parallel. In the second place, the relatively early stage of Canadian development presupposes that in prosperous years a considerable proportion are attracted by the new work in progress rather than by the prospect of permanent settlement."

In this connection a *caveat* is entered against American statistics of emigration by Canadians to the United States. "While the United States statistics show an immigration of 750,000 Canadians to the United States in the decade 1910-1920, the figures of the United States census show a reduction of about 78,000 in the Canadian-born population of the United States in the latter year as compared with the former" (p. 190). This discrepancy reflects ill upon the records of the Department of Immigration. Using the census figures, the reviewer has calculated in another place (*Annals of the American Academy*, Vol. CVII, pp. 25-34) that the net emigration of Canadians to the United States during the period in question was approximately 110,000. It appears, therefore, that the American statistics of immigration exaggerate the facts nearly sevenfold. "As long ago as 1910, a United States Immigration Commissioner reckoned that nine million people cross annually from the one country to the other. Clearly, in such a total there is room for serious miscalculation" (p. 189).

On the question of assimilation (though precise measurement is here impossible), Mr. Coats is no less reassuring. After ten years of residence in Canada, 70% of all immigrants have become naturalized. The children of immigrants have an illiteracy rate of 5.1%—the same as that of the population as a whole. Allowing for the fact that more than two-thirds of all immigrants from the United States are of British or French origin, the foreign-born population of foreign origin now living



in Canada does not much exceed 7% of the whole. It is only the criminal statistics which show the immigrant population at a definite disadvantage. "The foreign-born outside of the United States showed worst in offences against the person and against property, with or without violence; but in forgery and offences against the currency they yielded place to those born in the United States" (p. 193).

Mr. Coats has compressed a great deal of Canadian experience within a small compass. But if his essay stands alone, in that it is devoted to Canada, there is nevertheless much material for the student of Canadian history in the remainder of the volume. Canada has not been immune from the theories of race and heredity popularized by Dr. Lothrop Stoddard, which are largely responsible for the quota system in the United States. There are no questions of more vital interest to Canada than these three: Will the polygot immigration of the present replace the native stock which must compete with it? Is this immigration altering the biological characteristics of the people as a whole? In so far as alteration is occurring, does it make for a better type of citizen, or a worse? All of these questions are answered provisionally for the United States, in essays II, III, IV, and X. Conditions in the two countries are so far analogous that the conclusions expressed have an obvious importance for Canada. They do not lend themselves to summary statement, but are, to say the least, encouraging, and should be read.

Less encouraging are the conclusions drawn from a survey of the vast, but limited and diminishing natural resources by which the growth in numbers of the population is conditioned. "We of the present generation," says Professor Lescohier (p. 88), "should frankly face the fact that we are working under conditions of minimum costs in food production, and that our descendants must work under conditions of increased difficulty." Mr. F. G. Tryon and Mrs. Lida Mann, of the United States Geological Survey, conclude a discussion of mineral resources in almost the same terms (p. 137): "As far as the minerals are concerned, the evidence forecasts in the not distant future a period of diminishing abundance and rising costs, in which—barring some revolutionary discovery in science that will free men from dependence on fuel and water power—it will be harder to maintain even our present population at present standards of living."

For Canada, these conditions hold an immediate prospect of rapid growth in wealth and population. The United States, for generations an exporter of surplus foods and minerals, must shortly become, like Britain and Germany, a "deficiency country". She will naturally look to her nearest neighbour to supply her deficiency. But though this

demand upon Canadian resources will make the coming generation rich—richer, indeed, than any that has gone before—it will inevitably hasten the day when, for the first time, the pressure of population will be felt in Canada, and the standard of living of her people placed in jeopardy.

On the other hand, it is not improbable that, before that day dawns, the growth of population will have ceased. Everyone knows that within the last fifty years there has been a marked reduction in the size of the average family, among the prosperous and educated people of Anglo-Saxon stock especially. It is among the poor and the less educated and those who come of other than Anglo-Saxon stock that there is still a rapid natural increase. Where the size of the family has shrunk, it is agreed that the deliberate choice of the parents is mainly responsible. In the last of these essays, Professor MacIver presents a reasoned statistical argument for the view that this volitional restriction in the size of families is spreading rapidly from class to class to-day. "The process of democracy, if it continues, will be accompanied by a convergence of fertility rates for social classes. . . . The change needed to stop natural increase, mortality rates remaining constant, would be relatively slight."

GILBERT E. JACKSON

*Amerika und Sein Problem.* Von M. J. BONN. Munich: Meyer und Jessen. 1925. Pp. 175.

AMONG Professor Bonn's multifarious activities in politics, economics, and general problems, his studies on questions concerning America are well known. The present volume, though small, is perhaps one of the best estimates of the American spirit and basic problems that has seen the light in Germany. From a Canadian viewpoint, the chapter entitled "Neu-Frankreich", to which he devotes thirty-four pages, is by far the most interesting, and shows that he has a grip on the subject which we have not met with among other German authors. He expounds very succinctly the dividing line between Americanism and the spirit of French-Canada: "Der radikale amerikanische Rationalismus hat durch seine Entwicklung als Gegenpol den kanadischen Traditionalismus immer wieder gefoerdert. Er hat es waehrend der Revolution insbesondere dadurch getan, dass er die koenigstreuuen Loyalisten vertrieb, die dann in Kanada, insbesondere in den Seeprovinzen und den sogenannten oestliche Stadtgemeinden von Quebec angesiedelt wurden und dort ein antirevolutionaeres angelsaechsisches Element bildeten" (p. 36). But of course this applies still more to Ontario.

Professor Bonn calls Quebec the only existing theocracy. He looks upon the French in Canada as the greatest mainstay of the Dominion

as a nation, recognizing, as others have recognized before him, that on the North American continent the French, as an ethnic and religious enclave, are only safe within the Canadian boundaries. He writes that the American system is one of social and cultural "pulverization" and that the French fear the spread of Americanism more than the plague. He sees little difference between Toronto, Cleveland, Buffalo, and Toledo: they are all frankly American. We doubt if Toronto will agree. His statement that the sleeping-car is a descendant of the old-time prairie-schooner (p. 80) is, if perhaps historically open to doubt, at any rate original and amusing.

Professor Bonn's book deserves to be translated as an excellent example of "as others see us". Its value would be greatly enhanced if it had a map, an index, and, above all, a list of sources.

L. HAMILTON

*In the Heart of Canada.* By W. KING BAKER. London: George Routledge and Sons. N.d. Pp. vii, 197.

THIS is a curious book. The object of the author in writing it has been difficult, if not impossible, to discern. The book is composed of a series of chapters on the most heterogeneous subjects, strung together without logical sequence, and without any apparent objective. Some of the chapters are topographical in character, others are topical, and still others are biographical. Among the topographical are those on Lake Huron and Penetanguishene, and on "the Canadian Ranch of His Royal Highness the Prince of Wales." Among the topical chapters are those on the United Empire Loyalists, agriculture and commerce, Canadian law and its sources, and a curious section entitled "Shall we educate?" Among the biographical chapters are those dealing with Champlain, Alexander Graham Bell, "Sir John A. Macdonald and Sir Wilfrid Laurier", "A great finance minister" (the Hon. W. S. Fielding), "The premier, the Right Hon. William Lyon Mackenzie King, C.M.G.," and "A romance of high achievement—Edward Wentworth Beatty, K.C." Mr. Baker has the art of saying a very little in very many words: the chapter on the United Empire Loyalists, for instance, although several pages in length, contains no more substantial information than might be included in a short paragraph, and the final chapter, which is entitled "Contrasts and conclusion", is a triumph of this art.

## RECENT PUBLICATIONS RELATING TO CANADA

(Notice in this section does not preclude a more extended notice later.)

### I. THE RELATIONS OF CANADA WITHIN THE EMPIRE

ALLIN, C. D. *Colonial participation in imperial wars—Australasia* (Queen's Quarterly, January-March, 1926, pp. 329-343).

A discussion of the problem of imperial defence, with especial reference to Australasia.

[ANON.] *The next imperial conference* (The Round Table, March, 1926, pp. 227-255).

A discussion of "the weakness of the Conference of 1923", and of the subjects of "constitutional relations" and "the conduct of foreign policy", which are likely to come before the next conference.

JEBB, RICHARD. *The Empire in eclipse*. London, 1926. Pp. xxxi, 352. (15s.)

Reviewed on page 161.

KEITH, BERRIEDALE. *Notes on imperial constitutional law* (Journal of Comparative Legislation and International Law, February, 1926, pp. 125-135).

A discussion of recent developments in the constitution of the British Empire.

MOORE, Sir WILLIAM HARRISON. *The Dominions and treaties* (Journal of Comparative Legislation and International Law, February, 1926, pp. 21-37).

A discussion of the relation of the Dominions to the British Empire in regard to treaties.

ROSS, Rt. Hon. Sir JOHN, Bart. *Our most vital problem* (Empire Review, April, 1926, pp. 347-356).

A discussion of the work of the Empire Community Settlement Committee.

TRIGGS, Hon. W. H. *Britain and the Dominions: A reply to the Hon. A. S. Malcolm* (Nineteenth Century and After, March, 1926, pp. 313-322).

A reply to an article noticed in the last number of this REVIEW.

### II. HISTORY OF CANADA

#### (1) General history

COCHRANE, CHARLES NORRIS, and WALLACE, WILLIAM STEWART. *This Canada of ours: An introduction to Canadian civics*. With an introduction by the Hon. VINCENT MASSEY. [Toronto:] Published by the National Council of Education. [1926.] Pp. 180; illustrations.

A description of the government of Canada.

KENNEY, JAMES F. *Catalogue of pictures, including paintings, drawings, and prints, in the Public Archives of Canada*. With an introduction and notes. Part I. Ottawa: Published by authority of the Secretary of State, under the direction of the Keeper of the Records. [1925.] Pp. xxxiv, 168; illustrations.

Reviewed on page 167.

LANCOT, GUSTAVE. *Notes sur les archives canadiennes* (Canada Français, mars, 1926, pp. 493-503).

The first instalment of a descriptive paper on the Public Archives of Canada.

- LANGLOIS, Lieut.-Colonel. *La découverte de l'Amérique par les Normands vers l'an 1000: Deux Sagas Islandaises*. Paris: Société d'Éditions Géographiques, Maritimes, et Coloniales. 1924. Pp. 164.  
Reviewed on page 169.

## (2) New France

- BESSON, MAURICE. *Vieux papiers du temps des Isles*. Avec une préface de JEAN BRUNHES. Paris: Société d'Éditions Géographiques, Maritimes, et Coloniales. 1925. Pp. 188; illustrations.

A series of essays dealing with various phases of French colonial effort in the past. Those which particularly relate to Canada are: "Les idées coloniales de Louis XIV", "Un inventaire d'un notaire canadien de l'an 1754", and "La Martinique pendant les cent jours."

- CATHÉLINEAU, EMMANUEL DE. *D'un Sanflorain qui s'en alla mourir en Canada* (Nova Francia, 24 février, 1926, pp. 171-176).

Notes on the life of Isaac Bigot, sieur de Vernerolles, who died in New France in 1721.

- GODBOUT, RÈV. PÈRE ARCHANGE. *Origine des familles canadiennes-françaises. Extrait de l'État civil français*. Première série. Montréal: Librairie Ducharme. 1925. Pp. 263. (\$2.25.)

Reviewed on page 170.

- LEYMARIE, A. LÉO. *Le Canada pendant la jeunesse de Louis XIII* (Nova Francia, 24 février, 1926, pp. 161-170).

Extracts from the manuscript journal of Jean Heroard, physician to Louis XIII of France, containing references to Canada and colonial affairs.

- ROY, P. G. *Ce qu'on trouve dans un inventaire de notaire* (Bulletin des recherches historiques, mars, 1926, pp. 129-135).

An account of the notarial inventory of the books and other effects of Jessé Leduc, who was appointed intendant of New France in 1710, but died only a few days after reaching Quebec.

- TIERSONNIER, PHILIPPE. *Un Bourbonnais au Canada: Nicolas Guillaud, dit La Chaume* (Nova Francia, 24 février, 1926, pp. 178-179).

A biographical note.

- VILLIERS, BARON MARC DE. *La découverte du Missouri et l'histoire du Fort d'Orléans (1673-1728)*. Paris: Librairie Ancienne Honoré Champion. 1925. Pp. 138; maps.

To be reviewed later.

- WOLFE-AYLWARD, A. E. *The pictorial life of Wolfe*. Foreword by Lieut.-Col. the Earl STANHOPE. With 103 illustrations. Plymouth, England: William Brendon and Son, Limited. [1926.] Pp. xi, 209.

To be reviewed later.

## (3) British North America before 1867

- BASSETT, JOHN SPENCER (ed.). *Correspondence of Andrew Jackson*. Volume I: *To April 30, 1814*. Washington, D.C.: The Carnegie Institution of Washington. 1926. Pp. xl, 508.

To be reviewed later.

- HETT, FRANCIS PAGET (ed.). *The memoirs of Susan Sibbald (1783-1812)*. London: John Lane. [1926.] Pp. xxiii, 339.

Reviewed on page 175.

- JAMESON, J. FRANKLIN. *The American Revolution considered as a social movement*. Princeton: Princeton University Press. 1926. Pp. 158. (\$1.50.)  
To be reviewed later.

#### (4) Dominion of Canada

- EWART, JOHN S. *The constitutional debate at Ottawa* (Dalhousie Review, April, 1926, pp. 1-8).

A discussion, by a leading authority on constitutional questions, of the issues involved in the debate on the address from the Throne in the Canadian House of Commons in January, 1926.

- MACKAY, ROBERT A. *The unreformed Senate of Canada*. With an introduction by GEORGE M. WRONG. London: Oxford University Press. 1926. Pp. xvi, 284. (\$4.50.)

Reviewed on page 179.

- SHARP, WALTER R. *The Canadian elections of 1925* (American Political Science Review, February, 1926, pp. 107-117).

A discussion of the issues and results of the Canadian general elections held in 1925, by a student of political science.

- STEVENSON, J. A. *The political situation in Canada* (Contemporary Review, April, 1926, pp. 454-461).

A penetrating analysis of recent political history in Canada.

### III. PROVINCIAL AND LOCAL HISTORY

#### (1) The Maritime Provinces

- MACLEOD, ADA. *Malpeque* (Dalhousie Review, April, 1926, pp. 87-94).

The story of a hamlet in Prince Edward Island—an interesting chapter in local history.

#### (2) The Province of Quebec

- MASSICOTTE, E.-Z. *La Mi-Carême* (Bulletin des recherches historiques, mars, 1926, pp. 136-139).

A description of the custom, formerly observed in French Canada, of celebrating the festival of Mid-Lent.

- *Les archives judiciaires de Montréal* (Bulletin des recherches historiques, avril, 1926, pp. 226-8).

A description of the documents preserved in the archives of the Palais de Justice at Montreal.

- ROQUEBRUNE, R. LA ROQUE DE. *Québec, le Château Frontenac, et le Château Saint-Louis* (Nova Francia, 24 février, 1926, pp. 180-185).

A sketch of the history of the "Château" at Quebec.

- ROY, P. G. *Les archives de la province de Québec* (Bulletin des recherches historiques, avril, 1926, pp. 193-208).

An enumeration of the principal series of documents preserved in the archives of the province of Quebec.

- *Rapport de l'archiviste de la province de Québec pour 1924-1925*. Québec: Ls.-A. Proulx, Imprimeur de Sa Majesté le Roi. 1925. Pp. 441.

To be reviewed later.

#### (3) The Province of Ontario

- ANDERSON, H. B. *An historical sketch of the medical profession of Toronto* (Canadian Medical Association Journal, 1926, pp. 446-452).



A valuable account of the history of the medical profession in the capital of Upper Canada and Ontario.

GORDON, R. K. *Three men in old Canada West* (Blackwood's Magazine, May, 1926, pp. 682-691).

A sketch of the life in Canada of John Galt, William Dunlop, and Samuel Strickland, all employees of the Canada Company.

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Reviewed on page 174.

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